Jo-Anne Wemmers
Marisa Canuto
International Centre for Comparative Criminology
Université de Montréal

March 2002

rr2001-9e

Policy Centre for
Victim Issues

Research and
Statistics Division

The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.

VICTIMS' EXPERIENCES WITH, EXPECTATIONS AND PERCEPTIONS OF RESTORATIVE JUSTICE: A Critical Review of the Literature

Table of Contents

Page

Executive Summary iii

1.0 Introduction 1

1.1 Background 1

1.2 Objectives 1

1.3 Methodology 2

1.4 Layout of the Report 2

2.0 Victims in General 3

2.1 Perceptions of Restorative Justice 3

2.1.1 Information 3

2.1.2 Reparation 3

2.1.3 Meeting with the Offender 4

2.1.4 Decision-making Power 5

2.1.5 Summary 5

3.0 Victims Participating in Restorative Justice Programs 7

3.1 Diversion 7

3.1.1 Victim-Offender Mediation Programs 7

3.1.2 Family Group Conferences 10

3.1.3 Reparation 15

3.1.4 Summary 16

3.2 Court-based Programs 17

3.2.1 Victim-Offender Reconciliation Program 17

3.2.2 Victim-Offender Mediation Programs 19

3.2.3 Restitution 22

3.2.4 Sentencing Circles 23

3.2.5 Summary 23

3.3 Post-Sentencing Programs 23

3.3.1 Restorative Mediation 23

3.3.2 Victim-Offender Conciliation 24

3.3.3 Restitution in Correctional Half-way Houses 25

3.3.4 Summary 25

104-05963/

3.4 Summary and Conclusion 26
4.0 Specific Groups of Victims 27
4.1 Violent Crimes 27
4.1.1 Victim-Offender Mediation 27
4.1.2 Victim-Offender Reconciliation Programs 29
4.1.3 Victim-Sensitive Offender Dialogue 29
4.1.4 Summary 30
4.2 Domestic Violence 30
4.2.1 Mediation 30
4.2.2 Court Versus Mediation 31
4.2.3 Summary 32
4.3 Sexual Assault 32
4.3.1 Victim-Offender Mediation Project 32
4.3.2 Summary 33
4.4 Summary and Conclusion 33
5.0 Conclusions and Recommendations 35
5.1 Conclusions 35
5.1.1 Victims' Perceptions 35
5.1.2 Victims' Expectations 35
5.1.3 Victims' Experiences 35
5.2 Recommendations 36
5.2.1 Future Research 36
5.2.2 Policy Recommendations 37
6.0 Literature List 39

Executive Summary

The topic of restorative justice has become increasingly popular both in Canada and abroad. However, there is some debate as to whether restorative justice programs adequately address victims' needs. To this end, the present review of the literature on victims' experiences with, expectations and perceptions of restorative justice was conducted.

In general, victims are in favour of restorative justice practices provided participation is fully voluntary. Victims like the fact that restorative justice programs recognize their interest in the case. Restorative justice programs provide victims with notification of the developments in their case and an opportunity to ask for restitution. Victims also like the idea that offenders are held accountable for their actions.

The available research is relatively consistent regarding victims' expectations. Victims participate in restorative justice programs to seek reparation, help the offender, confront the offender with the consequences of the crime, and to ask questions such as why the offence was committed. Interestingly, regardless of the seriousness of the offence, the reasons given by victims for their participation in restorative justice programs remain quite consistent. Victims decline the offer to participate in restorative justice programs because they do not think it is worth the effort (loss too small or too trivial), they fear the offender, they are too angry with the offender or disbelieve his or her sincerity. Unfortunately, the available research tells us very little about the experiences of victims who refuse to participate in restorative justice programs.

Studies reveal that most victims who have participated in restorative justice programs are satisfied with the experience. However, when compared to offenders, victims tend to be less satisfied (Umbreit, 1994). Moreover, when compared to victims whose cases were handled in the traditional criminal justice system, there is no clear evidence to conclude that restorative programs enhance victim satisfaction. Clearly, restorative justice programs are not a panacea for victims.

There has been no systematic study of victims' needs and how restorative justice programs can best meet those needs. While the available research has its limitations, it is clear, however, that there is a demand for restorative justice programs among victims. The question is therefore not whether restorative justice programs should be offered to victims, but how they should be offered.

Plainly, restorative justice programs must attend to victims' needs. An important concern about existing programs is the exclusion, or minimization, of the role of crime victims. Some programs place victims' needs far behind other priorities such as diversion or prevention. Victims' needs must always be given priority, regardless of the aim of the program.

Despite their shortcomings, most victims who participate in restorative programs feel they benefit from them. Benefits for victims can involve the payment of restitution as well as psychological benefits. Restitution is particularly important for victims of property crimes. However, programs often fail to monitor compliance and to sanction non-payment by the offender. Regarding the psychological benefits, most victims pass through a phase of searching for an explanation as to why the crime has occurred (Reeves, 1989). While most of the research does not isolate the impact of participating in restorative justice programs on victims' psychological well-being, there is evidence that meeting with the offender helps victims of violent crimes cope with their anger (Strang, 2000).

Placing victims' needs first requires that programs be flexible. Different victims will have different needs. Rather than trying to impose a single ideology of what victim-offender mediation should be like, programs should strive for flexibility in response to victims' wishes. Programs should offer a variety of services, such as indirect mediation, the exchange of videos or letters, and the offer of a meeting with the offender.

An important aspect of program organization is when to offer restorative justice programs. Clearly, there is not one time that will be good for all victims. The research shows that victims have to be "ready" for it. This makes program organization particularly challenging, as the organizer cannot know when a victim is ready. However, if victims are provided with information regarding the availability of restorative justice programs in their area, they can contact programs when they are ready. This passive approach may be most suitable for victims of serious crimes.

Mediators play a key role in restorative justice programs and must receive proper training. They must be made aware of the impact their behaviour can have on victims

and how they can avoid revictimizing victims. Mediators must not think that their job is over after a meeting between victims and offenders has taken place. They have a responsibility to monitor the compliance by offenders. In addition, mediators should provide follow-up counselling to victims.

Restorative justice programs cannot replace the traditional criminal justice system. There will always be victims and offenders who choose to have their cases remain in the traditional criminal justice system. While the criminal justice system should offer victims many of the services that are offered in restorative justice programs, such as notification and restitution, it is often only within the context of restorative justice programs that these services are provided (Sherman et al., 1998). Restorative justice programs cannot replace the responsibility of criminal justice authorities to carry out victim policy, as reflected in the Statement of Basic Principles of Justice for Victims of Crime (Federal-Provincial-Territorial Working Group on Victims of Crime, 1988), and efforts must always be instituted to treat victims in the system with dignity and respect.

1.0 Introduction

1.1 Background

In its October 12, 1999 Speech From the Throne, the federal government signalled its intention to "launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions" (Department of Justice Canada, 2000: Restorative Justice section, para. 1). Increasingly, criminal justice policy has incorporated restorative justice concepts in an effort to respond effectively to crime. Examples include the new Youth Criminal Justice Act (Bill C-7) with its statement of restorative principles and increased opportunities and encouragement for the use of restorative approaches, and the report by the House of Commons Standing Committee on Justice and Human Rights, entitled: Victims of Crime – A Voice Not a Veto (1998).

The term "restorative justice" has been defined in many ways. In this paper, the following definition by Tony Marshall (1999) is used: "Restorative Justice is a process whereby all parties with a stake in a specific offence come together to resolve collectively how to deal with the aftermath of the offence and its impiications for the future." Restorative justice approaches crime as an injury or wrong done to another person rather than solely as a matter of breaking the law or offending against the state. Accordingly, it is concerned with reparation, either materially or symbolically, and it encourages the victim and the offender to play active roles in resolving conflict through discussion and negotiation.

However, while most restorative justice programs rely on victim participation for their success, they have usually evolved from probation services and are offender oriented (Wemmers, 1997; Marshall and Merry, 1990). From the selection of cases to the mediated outcome, victims' interests are systematically neglected (Marshall and Merry, 1990). This has led to concern about the adequacy of restorative justice programs for victims of crime. While victims often suffer damages for which they desire reparation, the prospect of meeting with and negotiating a settlement with the offender can be daunting for crime victims (Wemmers, 1996). Participation for both the victim and the offender is voluntary; however, there is some concern that victims may feel pressured into taking part (Department of Justice, 2000; Wemmers, 1996; Marshall and Merry, 1990). For example, a victim who is told that the young offender could avoid a criminal record if he or she is able to negotiate a settlement with the victim may feel pressure to cooperate to avoid destroying the young person's future. Another concern is that victims will take part simply because of the absence of any real alternatives in the existing criminal justice system (Wemmers and Van Hecke, 1992). A victim who desires restitution may find that the possibilities for restitution within the criminal justice system are largely theoretical and may feel forced to turn to restorative programs to request compensation from the offender. Respect and protection of victim interests must be ensured both in restorative justice programs and the traditional criminal justice system. In addition, there is some concern that contacting the victim months after the offence and asking if he or she is interested in meeting with the offender may in itself stir up painful memories of the victimization and add to the victim's suffering (Reeves, 2000). If confronting victims with the possibility of meeting their offender(s) exacerbates victims' suffering, this should be discouraged.

Supporters of restorative justice argue that these programs recognize victims' interest in their own case. The active role played by victims means that they can make demands and accept or reject a decision. For example, Roach (1999) argued that because victims maintain decision-making power, restorative justice is a more satisfying alternative for victims of crime than the traditional criminal justice system. Others, such as Wemmers (2000), suggested that restorative justice programs are attractive to victims not because they give victims decision-making power, but because they offer them input into the decision-making process. The question is, what do victims want and are their wants or needs addressed in restorative justice programs?

This review of the literature on victims' experiences with, expectations and perceptions of restorative justice has been commissioned by the Department of Justice Canada in efforts to support the Government of Canada's commitment to ensure that the views and concerns of victims are considered at every stage of their involvement in the criminal justice system.

1.2 Objectives

The aim of this review is to provide a comprehensive overview of victims' views and concerns, based on a selected examination of the existing research on

restorative justice. In addition, the study will identify strengths and weaknesses of the existing literature. It will also highlight areas that may be of future concern or relevance for the Department of Justice, in particular regarding future policy development and strategies.

1.3 Methodology

The review of the literature on victims' experiences with restorative justice will be based on studies involving victims who participated in restorative justice programs. In addition to their experiences, it is important to know whether or not, and to what extent, their experiences met their expectations. In other words, how satisfied were they? In the review, a distinction will be made between victims' satisfaction with the outcome (i.e. what did they agree on) and satisfaction with the process (i.e. how was an agreement reached).[1] The third topic of the literature review, victims' perceptions of restorative justice, is not necessarily restricted to victims who participated in a restorative justice program. Depending on the available research, it may include victims in general, as well as victims who refused to participate in a restorative justice program.

The present review will examine available program evaluations that include information concerning victims' experiences and attitudes. In addition, any general survey information on victims' attitudes toward restorative justice, if available, will be included. Besides evaluation research, discussion papers addressing critical issues and developments in restorative justice will also be included. The review will be based on available publications of Canadian as well as foreign research.

In the search for documentation, university libraries and documentation centres were queried. Electronic databases, in particular National Criminal Justice Reference Service (NCJRS), Access to Justice, Criminal Justice Abstracts (CJA), International Abstracts, Sociofile and Current Contents were included in the search. The search also included the Web sites of advocacy groups, such as the Canadian Resource Centre for Victims of Crime, as well as government Web sites. In addition, the researcher contacted colleagues working in the field regarding new research and publications.

1.4 Layout of the Report

The report is divided into six chapters. Chapter 2 is based on the research on victims of crime and is not limited to those victims who participated in restorative justice programs. Victims' expectations and experiences in restorative justice programs are the focus of chapter 3. The findings are presented within the framework of the various programs. In chapter 4, research on restorative justice and special groups of victims is addressed. Chapter 5 contains the findings and their implications for future research and policy development. The literature looked at in this report is listed in chapter 6.

[1] Research and theory on procedural justice suggests that satisfaction with the process is more important than satisfaction with the outcome and that fair procedures provide a cushion of support, thereby making negative outcomes more palatable. (See Wemmers, 1996; Tyler, 1990; Lind and Tyler, 1988.)

2.0 Victims in General

2.1 Perceptions of Restorative Justice

Restorative justice approaches crime as an injury or wrong done to another person rather than solely as a matter of breaking the law or offending against the state. Accordingly, it is about reparation by the offender to the victim and it is about negotiation and discussion between victims and offenders. Inherent in restorative justice programs is victim notification; victims are informed that the offender(s) has been caught. Finally, restorative justice offers both parties, victims and offenders, decision-making power. In this section of the report, victims' views on each of these aspects will be addressed in order to understand their perceptions of restorative justice.

It is well known that victims of crime often feel marginalized and dissatisfied with the treatment they receive from criminal justice authorities. Repeatedly, studies have shown that victims are unhappy with the lack of information they receive and their general exclusion from the criminal justice process (Wemmers, 1996; Resick, 1987; Shapland *et al.*, 1985). While it is well established that victims want more participation in the judicial process (Wemmers, 1996; Shapland *et al.*, 1985), it is yet unclear what that means. Just how actively do victims want to participate in the criminal justice system? Is passive participation (i.e. keeping the victim informed of the developments in his or her case) sufficient? Do victims want to be able to decide on how their case should be dealt with? Do they want to confront the offender? Or, do they want to form demands, determining how to punish their offender?

2.1.1 Information

Victims want to be included in the criminal justice process. In particular, they often want to be notified of the developments in their case. For example, Kilchling (1991) reported that 40% of the victims and former victims (more than 5 years since their victimization) in his study felt that victims should have the right to obtain information regarding their case from police at any time. Kilchling conducted over 3000 interviews with victims, former victims and non-victims. Similar findings are reported by Shapland *et al.* (1985) concerning victims of violent crime. They found that victims feel neglected and angry about the lack of information they are given regarding the progress of their case.

Information is probably the most common need that can be found in the literature (see Maguire, 1991). Victims want information on the developments in their case and feel they have a right to it given the time and effort that they gave police (Bazemore, 1999; Shapland *et al.*, 1985). For many victims, their need for basic information centred on simple explanations about key decisions related to their cases (Bazemore, 1999; Shapland et al., 1985). Information may be the most important thing the system can provide to reduce victim fear (Umbreit, 1994) and enhance victim coping skills (Wemmers, 1996).

2.1.2 Reparation

Victims do not report crimes to the police in order to obtain restitution. Most victims report their victimization to the police out of a sense of duty, or for insurance purposes (especially property crimes) (Besserer and Trainor, 2000; Mayhew and Van Dijk, 1997). Victims are generally well aware that the police will probably be unable to solve their case (Baurmann and Schadler, 1991; Shapland *et al.*, 1985).

If, however, the police do solve the case, many victims are interested in securing reparation from the offender. For example, Baurmann and Schadler (1991) reported that nearly two thirds (62.5%) of all victims in their study, which included 169 victims of violent crimes and property crimes, expressed an interest in restitution, without the interviewers having asked about it. Upon direct questioning, the number of victims interested in restitution was even higher – 72.5%.

Restitution appears to be particularly appropriate for victims of property crimes. Victims of property crimes are more likely to express an interest in restitution than victims of violent crimes: 85% versus 37%, respectively (Baurmann and Schadler, 1991).

Similar findings are reported by Sessar (1990) in his survey of public views of restitution as a sanction. Based on interviews with 843 victims of property crime and violent crime, Sessar reported that 82% of the victims responded positively when asked the question: "Suppose that the judge in your case makes the following proposal: the offender will be sentenced to make restitution. If he performs this imposed sanction, then the penalty will be reduced or remitted."

Victims' interest in reparation is not surprising when one considers that victims often suffer material damages

and that these damages are not compensated. In a study based on a random sample of 2000 felony offences, Junger and Van Hecke (1988) found that as many as 74% of the cases involved material damages. Victims with damages frequently do not receive any form of compensation for their financial losses. Research from the Netherlands shows that while the Dutch population is generally well insured (Van Dijk and Mayhew, 1992), as many as 71% of victims with financial losses are not compensated (Mulder, 1989).

Victims may suffer many different types of damages. Material damages, such as damage to property, are just one type of injury as victims can also suffer emotional injuries such as fear and anxiety. In their study on victims' needs and perceptions, Baurmann and Schadler (1991) reported that when asked to name the single most severe injury they had sustained, 49% of victims indicated emotional injuries. Differentiating between victims of violent crime and property crime, Baurmann and Schadler (1991) found the percentages to be 79% and 25%, respectively. As such, financial restitution may not be appropriate for these types of damages.

However, victims' interest in restitution is not based solely on material damages; it is also about holding the offender accountable for his or her behaviour. Based on focus group meetings with 18 victims of serious violent and property crimes, Bazemore (1999) reported that for some victims financial compensation is related to offender accountability. Interestingly, Bazemore found that the better victims felt they were treated by the system, the less significant monetary restitution became.

Besides restitution, an apology is another way in which offenders can show accountability for their behaviour. Bazemore (1999) reported that, for many victims, a sincere admission of responsibility and expression of remorse may be an important part of being acknowledged as a victim and may help in the healing experience. However, when mandatory, apologies become cold, impersonal and offensive to victims. According to most of the victims in Bazemore's study, one must always first determine if the victim is interested in receiving an apology.

2.1.3 Meeting with the Offender

Many restorative justice programs bring victims and offenders face-to-face with one another. An important question is how do victims feel about the idea of meeting their offender. Is this something victims feel they want?

Bazemore (1999) reported that in his previously mentioned study, which used focus groups, only one victim spontaneously mentioned that victims should always be given the opportunity to confront the perpetrator. However, when directly asked about restorative justice practices, most victims were in favour of such practices provided participation was voluntary.

In the 1999 General Social Survey conducted by Statistics Canada, victims were asked whether, with respect to their case, they would be interested in mediation. Mediation was defined in terms of a face-to-face meeting with the offender, mediated by a trained professional. Overall, 24% of victims claimed they would be very interested and 27% would be relatively interested in mediation. However, 46% were not at all interested. The researchers found a significant difference between victims of personal crimes versus victims of property crimes, the latter group being more likely to express an interest in mediation than the former. However, even among victims of serious violent crimes, there was an interest in mediation. For example, 28% of the victims of sexual assault expressed some interest in mediation (Tufts, 2000).

In his study on the preferred role of victims in the criminal justice system, Kilchling (1991) asked victims if, hypothetically, they would be interested in mediation and an out-of-court settlement with the offender. He reported that 42% of the victims in his study expressed an interest in mediation. However, a meeting with the offender in order to reach a satisfactory agreement with that person was rejected by the majority of victims (55.6%). The reasons for rejecting a meeting with the offender that were most often given were:

- refusal in principle to meeting the offender (33%),
- no interest in talking to or arguing with the offender (16%), and
- fear of meeting the offender again (13%).

Kilchling pointed out that about one third of the respondents would have approved of a settlement out of court provided that no direct contact and no personal meeting with the offender would take place.

British research shows similar results. In a 1985 study by Hough and Mayhew (see Reeves, 1989), victims were asked their views toward mediation. The authors reported that 49% of the victims said that, in principle, they would agree to meet the offender in order to work out an agreement. This percentage was lower for assault and robbery victims (33%) than for victims of property

crimes (60%). Like Kilchling, they found that the percentage of victims willing to participate in mediation jumped from 49% to 69% when they did not have to meet the offender (as cited in Reeves, 1989).

In another British study, Maguire and Corbett (1987) asked victims if they would be interested in mediation. In this study, as in the other studies mentioned above, mediation did not take place. The researchers were simply interested in polling victims' views. They found that most victims rejected the possibility of meeting the offender. Interestingly, victims who had been visited by a victim assistance volunteer were more willing to meet with the offender (43%) than those who had not been in contact with victim assistance (32%). As to why they would want to meet the offender, victims gave the following reasons:

- to ask why,
- to see what the offender was like,
- to arrange financial restitution,
- to let the offender see the effect of the crime, and
- to tell the offender what they thought of him or her.

Reasons for not wanting to participate in mediation were:

- fear,
- anger, and
- lack of interest.

2.1.4 Decision-making Power

Advocates of restorative justice argue that in contrast to the traditional criminal justice system, it offers victims an active role in the decision-making process (Roach, 1999; Umbreit, 1995). However, according to Shapland *et al.* (1985), victims do not want the "burden" of decision-making power. This finding is supported by Kilchling (1991). He presented respondents with the statement: "After reporting the crime to the police, the victim normally loses control of the further development in his own case" and then asked them to indicate whether they agreed or disagreed with a number of statements regarding the desired role of the victim in the criminal justice process. He reported that 47% of victims, 61% of former victims and 56% of non-victims agreed with the statement that losing control over their own case to the police "can be helpful for the victim." In addition, 70% of victims, 80% of former victims and 77% of non-victims agreed with the statement that "the victim should neither have to be concerned about (reaching) a settlement with the offender nor about his punishment." These findings suggest that victims are often quite willing to hand over responsibility to criminal justice authorities.

2.1.5 Summary

Victims support many of the elements of restorative justice; they want notification and restitution. However, they do not seem to want to usurp the power of the courts. Victims are divided in their views when it comes to meeting their offender; some are in favour of it while others are opposed. Victims of property crimes are generally more often interested in mediation than victims of violent crime. However, even victims of violent crime are sometimes interested in mediation. There is a clear consensus among victims that participation in restorative justice programs must be completely voluntary. However, the victims in the studies examined in this chapter do not have experience with restorative justice programs and their views may merely reflect the fact that they have not experienced a joint meeting with the offender. In the next chapter, the expectations and experiences of victims who have directly experienced restorative justice programs will be explored.

3.0 Victims Participating in Restorative Justice Programs

Victims of crime pass through various phases following their victimization. Immediately following the crime, victims often experience anger and fear. Later, most victims pass through a phase of searching for an explanation as to why the crime occurred. Consequently, Reeves (1989) argued that the length of time between the offence and the offer of a meeting is of critical importance for victims. Given the significance of time as a factor, the research presented below is divided into three groups based on the stage in the criminal justice process at which the research took place. Data are presented for programs operating in the pre-court phase (diversion), court-based programs and post-sentencing programs. The chapter concludes with a summary of the findings.

3.1 Diversion

In this section, a number of very different programs are discussed. The common factor among them is that each uses restorative justice practices in order to divert offenders out of the traditional criminal justice system. Typically, these programs take place at the police level and are directed at young offenders who have committed minor offences. However, a few programs, targeting adult offenders and moderately serious offences, have used diversion at a later stage in the criminal justice process. In addition, some of the studies discussed below examine both diversion and court-based programs.

3.1.1 Victim-Offender Mediation Programs

United States

In his book, *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, Umbreit (1994) examined four different victim-offender mediation programs in the United States. The four programs in the study do not follow a single procedure. Each one is different and, within any one program, different procedures may exist. For example, at one site cases were referred to the program either as diversion (prior to adjudication), after the offender had entered a guilty plea (post-adjudication), or even after the disposition hearing. In all four programs, most of the cases were referred to at the pre-adjudication level (59% to 98%). In two of the three programs, the mediator would meet separately with the offender and the victim and then schedule a mediation session. At one site, the mediator had no prior contact with the parties and the court staff developed the cases for mediation.

All four programs are limited to juvenile offenders, especially young, first-time offenders. Most of the crimes are property offences (73% to 89%), although all four programs did include some minor violent offences. In all four programs, restitution was typically financial, although personal service and community service were also possible.

Umbreit's research used three groups of respondents:

1. those referred to mediation and for whom mediation was carried out (experimental group),
2. those referred to mediation and for whom mediation was not carried out (1st comparison group), and
3. cases not referred to mediation (2nd comparison group).

Umbreit also claimed to have pre-test as well as post-test data; however, pre-test data are not available for all three groups. It is available only for the mediation group (experimental group). Moreover, the pre-test did not take place before the mediation. Therefore, by and large, the design is a so-called "after only" experiment. This design makes it impossible to attribute any observed differences between groups to the treatment they received.

The data on victims are based on interviews. In all, interviews were held with 280 victims who participated in mediation (experimental group), 103 victims whose cases were referred to mediation but who did not participate in mediation (1st comparison group) and 157 victims whose cases were not referred to mediation (2nd comparison group).

Expectations

Umbreit reported that among the victims participating in mediation, the primary expectation was both to recover their losses and to help the offender. This was followed in frequency by the opportunity to tell the

offender the effect of the crime and, finally, getting answers to questions they had about the crime.

Before meeting the offender, one in four victims indicated that he or she was nervous about the pending mediation session with the offender, and nine out of ten victims believed that the mediation session would probably be helpful (it is important to bear in mind that these numbers are based only on those victims who had already agreed to participate in mediation).

For those 103 victims who were referred to a victim-offender mediation program but chose not to participate, their reasons for non-participation in mediation were broken down into three major themes:

1. the inconvenience of mediation relative to the actual loss,
2. a number of victims had already worked out a settlement with the offender, and
3. the victim was too angry to meet the offender and/or disbelieved the offender's sincerity.

Experiences

Umbreit reported that across all four sites 91% of victims felt that their participation in mediation was voluntary. In other words, a small but important group of victims felt they had been coerced to participate in the process. One victim thought there was no other way to receive restitution. Another victim felt a burden of responsibility for the offender's future. Umbreit claimed that feelings of revictimization are often experienced in connection with feeling that they were being coerced into mediation.

Feelings of revictimization can also result from a perception that the mediator is biased toward the offender. The mediator must remain neutral. While most victims (95%) were satisfied with the mediator, a small but significant group of victims was dissatisfied.

Among the victims who participated in mediation, most (90%) were satisfied with the outcome of the mediation session. It is interesting that victims can be dissatisfied with an outcome to which they had freely agreed. This raises the question of whether victims truly felt they had a choice to either accept or reject the offender's offer.

Comparing pre-test and post-test data for the mediation group, Umbreit found that victims' priorities did change somewhat. After the mediation session, negotiating restitution, receiving answers and information from the offender, and telling the offender about the effect of the crime were significantly more important to victims than at the time of the pre-test. No significant changes were found for the importance of receiving restitution and receiving an apology.

In terms of the emotional impact of mediation, Umbreit noted that compared to the pre-mediation data, victims who participated in mediation were significantly less often upset about the crime after the mediation session. Similarly, victims were less often afraid of being revictimized by the offender (23% versus 10%). These findings suggest that mediation might have a positive impact on victims' emotions. However, due to the absence of a control group, it is not possible to be certain that the observed changes are due to mediation and are not caused by something else. It is possible that the observed reduction in fear is simply due to the passage of time.

Regarding satisfaction with how the justice system responded to their case, 79% of the victims in the mediation group indicated satisfaction, 57% in the referred-but-no-mediation group and 57% in the non-referral-to-mediation group indicated satisfaction. Similarly, victims in the mediation group were more likely to state that they had experienced "fairness" in the processing of their case than victims in the comparison groups (83% for the mediation group, 53% for comparison group 1 and 62% for comparison group 2). Umbreit attributed the observed differences between groups to mediation. However, as stated above, his design does not allow him to attribute these or any other observed differences to mediation. It may be that victims in the comparison groups had more negative attitudes toward the justice system to begin with.

Great Britain

In 1988, Marshall and Merry (1990) conducted a largely descriptive study of mediation programs in the United Kingdom. They described this type of research as action research, which examines what happened, versus evaluation research, which looks at what works. Their study, entitled Crime and Accountability: Victim/Offender Mediation in Practice, includes both police-based and court-based schemes. It is based on several sources of information, including interviews with victims: 33 victims who participated in the police-based schemes and 60 victims who participated in the court-based schemes. While the design does not allow the researchers to make causal references, the study does provide interesting insights into victims' experiences in the early experiments with mediation in England. Marshall and Merry (1990) presented the

findings for the police-based and the court-based schemes separately; however, their conclusions refer to both types of programs. As there is a great deal of overlap in victims' expectations and experiences in both types of programs, here, the findings for both types of programs are presented together.

Expectations

Victims' reasons to participate in mediation include:

- a sense of social responsibility,
- a desire to help,
- curiosity to learn why the offender had committed the offence, and
- seeking reparation or an apology.

The authors stressed that the expectation of reparation or an apology accounted for only small numbers. However, they pointed out that compensation orders have been available in the English criminal justice system since the 1970s. Therefore, mediation programs focus on reconciliation. Marshall and Merry (1990) asserted that this is quite different from the situation in the United States, and that this might explain why restitution is less important in British programs than in American ones. However, they also noted that compensation orders are under used. The reason judges often fail to impose them is due to ambiguity regarding the amount of the damages. Marshall and Merry mentioned that while parties will probably have more information regarding the extent of the damages available to them than judges, if there is any disagreement about the damages, a wrangling between parties might not be the best way to solve it. They argued that victims would find it inappropriate to enter into personal negotiations in this way and would rather leave it to the court.

The authors emphasized the importance of accurate and realistic information for victims. They reported that some victims may have been (mis)led to believe they had a high chance of compensation. Obviously, when expectations are not met this can lead to disappointment.

In addition, they reported that victim participation was significantly higher in the police-based (79%) versus the court-based programs (51%). The researchers suggested that this might be because the police-based programs dealt solely with juvenile offenders. Victims may have a greater sense of social responsibility when the offender is a juvenile rather than an adult.

Experiences

Victims were generally appreciative of the open and tactful way they had been approached by the project workers. Participation was voluntary and most victims said they did not feel they had been pressured to participate.

Marshall and Merry reported that most victims who had met their offender were satisfied with the experience and felt that they had done something useful for the offender.

But a "significant minority" (p.152)[2] was dissatisfied. Reasons for dissatisfaction include:

- high expectations of compensation,
- feeling they were being asked to do something for the offender rather than vice versa and resenting this, and
- not being informed regarding the progress of events.

Interestingly, Marshall and Merry (1990) found that victims who were primarily interested in compensation tended to be less satisfied than victims who had acted out of a sense of social responsibility and for whom compensation was merely a token or symbol representing the reconciliation between parties.

Another important source of dissatisfaction was failure by the offender to follow through with agreements. The researchers stressed the importance of follow-up activities for victim satisfaction. Follow-up is important both in terms of reparation (did the offender meet his or her agreement and pay restitution?) and the psychological impact of the programs. A small group of victims identified issues that they considered unresolved after the meeting with the offender. Marshall and Merry suggested that follow-up discussion or counselling by the schemes would help victims cope with lingering uncertainties. However, they found that follow-up of cases among the projects was rare.

Besides reparation, restorative justice programs offer victims psychological benefits. Most victims said that at the time of the offence they felt angry, shocked, depressed or were left feeling foolish. By the time of the

[2] This study is qualitative and the authors did not specify exact number or percentage of victims. See Marshall and Merry, 1990: 152.

interview, virtually all of them felt less strongly or were not concerned at all any more with the offence. While such feelings are likely to diminish over time, many victims said that the scheme had been helpful in this respect.

When asked what it was about the scheme that had proven most valuable, 37% focused on the meeting. However, when asked if they would have been happy to have the meeting only, without the apology or reparation, two-thirds felt this would not have been sufficient. Similarly, the idea of an apology or reparation without meeting was rejected by 65% as inadequate. Apparently, the combination of the two aspects is what seems to make the experience valuable for most of the participants.

Marshall and Merry (1990) found that there is no single time that is good for everyone to meet the offender. They suggested that mediation could be a significant part of the support given to victims in the resolution of their problems. It should be offered at a time when feelings are neither extremely high nor diminished altogether, but should be part of a more general plan of support for emotionally affected victims.

Canada

Recently, the Research and Statistics Division of the Department of Justice published a meta-analysis on the effectiveness of restorative justice practices. The study, by Latimer, Dowden and Muise (2001), is based on an analysis of 35 program evaluations from around the world. The study included a wide variety of programs. The study is discussed here because the majority (77%) of the programs are victim-offender mediation programs. While most (57%) programs included several points of entry into the criminal justice system, the largest single group was at the pre-charge stage (20%).

According to the authors, only studies that used a control group or a comparison group that did not participate in a restorative justice program were included in the study. The methodology used for this study is known as a post-test only design with non-equivalent groups (Cook and Campbell, 1979). This design is relatively common; however, it does not permit reasonable causal inferences. According to Cook and Campbell:

> Its most obvious flaw is the absence of pre-tests, which leads to the possibility that any post-test differences between groups can be attributed either to a treatment effect or to selection differences between the different groups. The plausibility of selection differences in research with non-equivalent groups usually renders the design uninterpretable. (1979: 98-99)

In programs like mediation, which are based on voluntary participation, the likelihood of selection differences is great. Therefore, it is not possible to draw causal inferences based on studies using this design. While the authors addressed the issue of self-selection bias and suggested that future research include pre-test measures to avoid this problem, they nonetheless drew conclusions about the effects of the interventions.

Experiences

Latimer et al. compared research findings concerning victim satisfaction. They concluded that "participation in a restorative justice program resulted in higher victim satisfaction ratings when compared to a comparison group in all but one of the thirteen programs examined" (2001: 12). They found this difference to be significant. Unfortunately, the authors did not specify which 13 studies were used to draw this conclusion, making it difficult to verify. Also, given their selection criteria regarding the designs of the studies, it is plausible that the designs of many, if not all of the studies, did not meet the necessary rigorous requirements to draw causal inferences. In order to attribute any observed differences between groups to their participation in a program, one would have to rule out the possibility, for example, that the persons with more favourable attitudes were more likely to participate in restorative justice programs. It would appear that the authors drew conclusions about the effects of participation in restorative justice programs based on studies that did not meet the above selection criteria.

3.1.2 Family Group Conferences

New Zealand

In 1989, New Zealand introduced legislation aimed at encouraging the police to adopt low-key responses to juvenile offending whenever possible. An important part of this legislation is the family group conference. The aim of conferencing is to heal the damage that has been caused by youthful offending, to involve those most affected by the offending in determining appropriate responses to it, and to make things better both for the young people who have committed offences and for their victims. Family group conferences are made up of the young person who has committed the offence,

members of his or her family and whoever the family invites, the victim(s) or their representative, a support person for the victim(s), a representative of the police, and the mediator or manager of the process. Family conferencing is used for all medium-serious and serious offending, except murder and manslaughter, and operates both as an alternative to court processing and as a mechanism for making recommendations to judges prior to sentence.

Morris, Maxwell and Robertson (1993) conducted 117 interviews with victims and seven interviews with victims' representatives. Each victim was interviewed using open-ended questions, which were later coded independently. Unfortunately, the researchers did not provide any information about the types of victimizations included in the sample or the socio-demographic characteristics of the victims in the sample. Nor did they provide information about when the interviews were conducted. In addition, the design did not allow the researchers to draw causal inferences. Nevertheless, the qualitative data do provide insight into victims' expectations and experiences.

Expectations

The researchers reported that less than 50% of conferences were attended by the victim(s) or his or her representative. Among the victims who did not attend the conference, most said this was not because they had not wanted to attend: 37% said they had not been invited; 29% claimed the time was not suitable for them; and 18% said they had not been told soon enough to make arrangements. It is not clear why victims were not invited to the conference and how this corresponds with the aim of the program. The researchers reported that "some" victims did not wish to attend the conference for a variety of reasons, including:

- they were too busy,
- they were uninterested/afraid of the young person or his or her family, and
- they were afraid they would not be able to cope.

Among victims who did attend the conference, their reasons for doing so are broken down into four main themes:

- for their own interests (to receive compensation or to confront offender),
- to help or support the offender,
- a sense of duty, and
- curiosity.

Factors that enhance victim cooperation include:

- time: victims are more likely to attend conferences held at or after 6:00 p.m., and
- location: victims are less likely to attend conferences held in the offender's home.

In addition, the researchers pointed out that in one location the victims' advocate contacted all victims and encouraged them to participate. Victims were told that they would have a greater chance of receiving restitution through conferencing than through the traditional criminal justice system. As a result, many victims had high expectations regarding compensation.

Experiences

Most victims claimed to feel better after the conference. In general, victims who said that they felt better also said that they had been involved in, rather than excluded from, the process. They felt that the meeting with the offender allowed them to release negative feelings about the offender and the offence.

About one quarter of victims claimed to feel worse after attending the conference. They expressed feelings of fear, depression, distress and unresolved anger. Some felt unable to express their true feelings or remembered the feelings that occurred at the time of the offence. Others complained about the lack of support they had in the conference in contrast to how they perceived the offender's situation. Some felt that the outcome was inadequate or were distressed by the lack of remorse shown by the offender or the lack of redress at the conference. In general, those victims whose offences had the greatest impact on them were most likely to feel worse if they attended the conference. The authors concluded that it is a mistake to assume that victims and offenders can simply be brought together without prior careful briefing of the parties and without much training of mediators.

When asked if there was anything that should have been done differently regarding the conference, 70% said no. Of those who did want to see changes, 10% wanted more support for victims, 10% wanted more information before the conference about what to expect, the likely length of the meeting, etc., and 4% wanted more notice of the timing of the conference. The remainder (6%) were not sure about whether or not changes were desirable.

Compared to the police, and to young offenders and their families, victims were the least satisfied with the

outcomes. Overall, 35% of the victims were not satisfied with the outcome. Interestingly, victims who attended the conference were more likely to be dissatisfied with the outcome (43%) than those who did not attend (23%). Most of the victims who were dissatisfied wanted harsher penalties or reparation while a small number of victims felt that more attention should have been paid to the welfare of the young person. Unfortunately, the researchers did not differentiate between punishment and reparation, thereby making it unclear whether the victims desire retribution or restitution. The researchers attributed the greater outcome satisfaction among those who did not attend conferencing to the fact that the offences against them tended to be less serious. In addition, they examined the relationship between reparation and victim satisfaction and found that the two were not related.

The researchers pointed out that the high level of outcome dissatisfaction among the victims who participated in conferencing is surprising considering that the victims must agree on the outcome before it can be accepted. They suggested that victim dissatisfaction may reflect the lack of adequate briefing for victims about their role in conferencing and what they might expect it to be. It is possible that victims did not realize that they could disagree with the outcome. The researchers concluded that victims lacked adequate information. The psychological preparation for meeting offenders requires more thought by conference organizers. Victims need time to think through the possible consequences of meeting offenders and their families.

Canada

In March 1999, the Royal Canadian Mounted Police (RCMP) published an evaluation by Chatterjee of the RCMP's restorative justice initiative. Specifically, the study examined participant satisfaction regarding community forums. Forums are basically a derivative of the group family conferences found in countries like New Zealand and Australia. Starting in 1996, the RCMP offered training in restorative justice to its members, which enabled them to conduct forums in their own communities. According to Chatterjee, by October 1998, 1700 people throughout Canada had received the training and were equipped to conduct forums.

The data come from written questionnaires (19 victims) and from interviews conducted by telephone (44 victims). Unfortunately, the author did not provide information about the response rate. The questionnaires, for example, were distributed through the mediators and thus the researchers did not know how many questionnaires were distributed and whether or not the mediators were selective when distributing the questionnaires. The author did state, however, that only a small number of written questionnaires were received and that despite repeated efforts by the researchers, they were unable to generate more questionnaires. The author also warned that the findings may be biased (Chatterjee, 1999: 11). Without information concerning the response rate of the sample, the results cannot be considered representative and must be viewed with caution.

In addition, Chatterjee (1999) did not provide information regarding the time lapse between the respondents' participation in the project and the point at which the data were collected. If victims' impressions change over time, the data may be affected.

Experiences

Victims were asked to indicate their satisfaction with the fairness of the procedure on a scale from 1 to 5, where 5 indicates strong satisfaction and 1 indicates no satisfaction. It is worth noting that, by using this scale, everyone who gave a score of 2 or more was considered satisfied.

Victims were asked to indicate their overall satisfaction with the program. According to Chatterjee (2001), 45% of the victims gave a rating of 5 (very satisfied), 40% gave a rating of 4 and 11% gave a rating of 3.

The author reported that 68% of victims were very satisfied (a rating of 5) with the fairness of the procedure, 32% were quite satisfied (a rating of 4) and 7% were moderately satisfied (a rating of 3) (Chatterjee, 2001).[3] On average, victims' satisfaction with the fairness of the procedure was 4.8 (Chatterjee, 1999).

Similarly, victims were asked to indicate their satisfaction with the fairness of the agreement. According to Chatterjee (2001), 59% of the victims expressed strong satisfaction with the agreement (a

[3] Due to a printing problem, these percentages were not legible in the report. These statistics were provided by Chatterjee in a personal communication, July 2001.

rating of 5), 35% were quite satisfied (a rating of 4), 3% were moderately satisfied (a rating of 3) and 3% were somewhat satisfied (a rating of 2). The average score was 4.6. While most victims were satisfied with the agreement, Chatterjee noted that a "minority" of victims claimed they felt pressured to accept the agreement (1999: 44).

The author concluded that the respondents were highly satisfied with the program. However, once again, due to the absence of information about the response rate and whether the data are representative of the population, one should be careful in extrapolating the findings to victims in general. As it stands, the only conclusion that can be drawn based on the available information is that the victims who participated in the study were generally satisfied.

Australia

Strang (2000) evaluated the Australian experiments on "reintegrative shaming" Shaming makes use of conferencing by police. Once a police officer has determined that it is legally appropriate to send a case either to court or to a diversionary conference, the case is entered into the program. The types of offences included in the program were property crimes and violent crimes. Once a case was entered into the program, a mathematical formula was used to determine which treatment would be assigned to each case. In this way, assignment to conference or court was random. The findings are based on interviews with 169 victims - 85 victims in conference group and 84 in court group. However, not all cases were treated as assigned; in the end, only 67 of the conference cases were handled as assigned and 77 of the court cases were handled by the court.[4] Interviews were held after the court and conference treatments had been completed.

While most evaluations of restorative justice programs report high levels of victim satisfaction, most studies do not use a comparison group, which means that we do not know if they are more or less satisfied than victims whose cases are handled by the courts (see Umbreit, 1994). The fact that the study by Strang (2000) used a comparison group and random assignment to groups makes it a particularly interesting study, as it allows us to attribute any observed differences between groups to the treatment. Unfortunately, the comparison between conference victims and court victims was hindered because many court victims were not notified of the developments in their case and were not aware of the outcome of their case.

Expectations

While the author did not provide data on victim expectations, she did point out that victims need to be given realistic expectations about what can be achieved with a restorative process as over-optimistic assessment of likely outcomes can lead to disappointment. She concluded that proper preparation of victims regarding their role in the conference and what they might expect is of vital importance.

Experiences

Most victims claim to be satisfied with the way their case was dealt with by the justice system. For the victims in the conferencing group this percentage was 63%; for the victims whose cases were dealt with by the courts this percentage was 54%. The observed difference between groups was not statistically significant. However, Strang (2000) repeated this analysis using only those victims whose cases were treated as they had been assigned. Based on this smaller group, Strang reported that 72% of the victims in the conference group versus 50% of the court group said they were satisfied with the way the system dealt with their case. This time the difference between groups was statistically significant ($p < .01$). An important question is whether or not one should use the smaller group of cases in which conferencing actually took place or the larger (assigned) groups. Strang argued that the smaller group gives a more accurate picture of what really happened. Indeed, the actual experiences of victims is important to understand and interpret the findings. Here, it seems that victims whose cases were assigned to conferencing, but in the end did not result in a conference, were more critical of how their case was dealt with. Restorative justice programs are usually voluntary; therefore, there will always be cases in which the victims and/or the offenders choose not to participate and consequently have to be dealt with differently. The reactions of these victims is an important factor that must be addressed. However, Strang did not provide further information about this group and it is not clear whether or not their attitudes are significantly less favourable.

[4] Of the remaining 17 cases assigned to conferencing, 11 went to court, 3 offenders were given a caution and 3 were untreated. All 8 offenders assigned to court received a caution instead.

In addition to satisfaction, Strang (2000) inquired into victims' procedural preferences. When asked whether they were pleased that their case was dealt with in the way it was (whether by court or by conference), rather than by the alternative treatment,[5] significantly more conference victims than court victims agreed that they were pleased their case was treated the way it was, rather than by the courts (68% versus 49%). However, these statistics are based on assigned groups rather than experienced groups. For the victims whose cases were not dealt with as they originally had been assigned, it is unclear just what exactly they are responding to.

Interestingly, Strang found that the difference between the conference and court groups regarding their procedural preferences was caused mainly by victims of property crimes. Among victims of property crimes, 70% of the conference victims said they were pleased versus 42% of the court victims. Victims of violent crimes were equally pleased with the conference and the court (66% for both groups). Therefore, it seems that for property crimes, victims generally preferred conferencing to the courts. However, not all victims of property crimes preferred conferencing. Strang reported that for some victims, especially shopkeepers and shop managers who are repeatedly victimized by shop theft, it is a relief to have no further involvement in the case. These victims have no desire to spend their time attending the conferences of their offenders.

Strang (2000) also reported that victims in the conference group were more likely to be notified of the developments in their cases and to receive restitution than the victims in the court group. It is well established that the absence of notification and restitution are important complaints by victims regarding the criminal justice system and that these services enhance victim satisfaction with the justice system (Wemmers, 1996; Shapland *et al.*, 1985). In the present study, it is unclear to what extent notification and restitution contributed to victims' evaluations of the treatment they received. It may well be that it is not conferencing but notification and restitution that are responsible for the observed differences in victims' evaluations of the way their cases were handled.

Another indication of victim satisfaction with conferencing is their willingness to participate in conferencing again in the future. However, this question was presented only to the conference group and therefore it does not allow a comparison between groups. Nevertheless, most (74%) conference victims said that they would "probably" or "definitely" attend a conference if they were the victim of a young person's offending again.

There were also some victims who were clearly dissatisfied with the whole process. Strang (2000) reported complaints by one victim who claimed to have been pressured by police to participate in conferencing. Another victim felt intimidated by the offender. Yet another felt isolated and vulnerable. Strang conceded that there is sometimes greater risk of secondary victimization through the exposure of victims in conferences. She concluded that the excessive focus on the offender can lead to insufficient attention for the victim and his or her needs. She argued that proper training of facilitators and good conference organization could have avoided some of these problems.

With respect to outcome satisfaction, Strang (2000) reported that too few victims in the court group were aware of the outcome of their case to allow a comparison between groups. Data are available only for the conference group. Comparing victims of property crime with victims of violent crime, Strang found a large difference between groups. Eighty-one percent of the victims of property crimes and 56% of the victims of violent crimes whose cases were assigned to conferencing were satisfied with the outcome immediately after the conference. Unfortunately, the author did not address the possible reasons for the observed difference.

Strang (2000) did, however, provide information regarding changes in outcome satisfaction over time. Interestingly, six weeks after the conference, 17% of those victims of property crimes who had initially expressed satisfaction with the conference outcome were no longer satisfied. According to the researcher, this was almost always due to failure of the offender to comply with the agreement. Among the victims of violent crimes, six weeks after the conference all of the victims who had initially expressed satisfaction with the conference outcome continued to be satisfied. The author found that follow-up of conference agreements was extremely important for victim satisfaction. Authorities must rigorously monitor compliance by offenders and must notify victims that agreements have been honoured so that they can feel a sense of closure about the offence and the conference.

[5] To answer this question, victims in the court group were given a brief description of conferencing.

It is often argued that restorative justice can have a healing effect on victims as well as on offenders (see Roach, 1999; Umbreit, 1994). Strang (2000) reported that the largest differences between groups related to emotional restoration. The researcher looked at feelings of vindictiveness. Specifically, victims were asked whether: you would do some harm to your offender yourself if you had the chance. Victims of violent crimes were more inclined to agree with this statement than victims of property crimes. For both the court and the conference group, only about 7% of the victims of property crimes agreed with this statement. However, among the victims of violent crimes, 54% of the court victims said they would do some harm to their offender if they had the chance, compared to only 7% for the conference victims. This finding indicates that the conference victims seem to have been more successful in coming to terms with the offence than the court victims.

3.1.3 Reparation

England

Dignan (1992) reported on a police-based reparation scheme for adult offenders in England. The aim of the scheme was to divert offenders out of the criminal justice system. The types of offences eligible for the program were minor offences such as theft, criminal damage, shoplifting and minor assaults. Dignan described this program as "even-handed reparation" which contrasts with the offender-oriented programs described by Marshall and Merry (1990). The findings are based on interviews with 90 victims who participated in the program.

Expectations

In this particular program, victims had the choice between direct mediation (a face-to-face meeting with the offender) and indirect mediation (the mediator acts as a go-between). Dignan reported that one third of victims chose to meet their offender while more than half of all cases were handled indirectly. Unfortunately, Dignan did not address the question of why victims might prefer indirect mediation. Nor did he specify whether all victims were offered the opportunity to meet their offender. Most victims supported the principle that offenders should normally be expected to make amends for the offences they have committed. Only four victims expressed outright opposition to the whole program.

Experiences

In most cases (62%), when victims reached an agreement with the offender, the agreement included some sort of action, and that action was usually to compensate the victim. Thirty-eight percent of the agreements consisted solely of an apology by the offender. Dignan (1992) reported that 19% of victims felt they had been pressured to participate in the program. However, he did not address the possible reasons why so many victims felt pressured. Most victims expressed satisfaction with the way their particular case had been handled by the bureau (71% of corporate victims and 62% of individual victims).

The Netherlands

Wemmers and Van Hecke (1992) evaluated a Dutch program which followed the abolitionist philosophy that criminal law should be a last resort (ultimum remedium). The aim of the program was to divert offenders out of the criminal justice system. The program supplied victims and offenders with their own lawyers (free of charge) who would try to work out an agreement. Only the lawyers had contact; the parties themselves did not meet. Cases in which an (civil) agreement was reached would then be dismissed by the public prosecutor. When no agreement was reached, the case would be returned to the public prosecutor who would then take it to court.

Cases were selected at random for inclusion in the program. In all, 162 cases involving 182 offenders and 192 victims were selected. The types of offences included simple assault (33%), vandalism (15%), theft (49%) and various other offences (3%). Interviews were held with 83 victims who were contacted by the project workers and offered the opportunity to participate in the program; 71 had taken advantage of the opportunity to participate in the program and 12 did not. In addition, quantitative data were gathered from the case files for all 162 cases.

Expectations

Several factors were related to victims' willingness to participate in the program:

- ***Restitution:*** Some victims who suffered no material damages as a result of the offence saw no benefits from the program and refused to participate in it. Other victims liked the idea that they could ask for compensation for both the material and immaterial damages. One victim chose to

participate because the program offered him the opportunity to make demands. A number of victims noted that the program offered victims a better position than the traditional criminal justice system.

- ***Relationship between victim and offender:*** Victims who shared a relationship with the offender (especially in cases of domestic violence) were more often willing to participate in the program than victims who did not know the offender.
- ***Prevention:*** Several institutional victims participated in the program because they thought that it might teach the offender a lesson and prevent him or her from committing an offence again in the future.
- ***Seriousness of the offence:*** One victim was insulted by the offer of the project workers and felt the case was serious enough to merit a criminal sanction. Another victim agreed to participate in the program because he or she thought the offence was not very serious and therefore would probably be dismissed by the prosecutor anyway.

Experiences

In general, the victims agreed with the program and had no objection that cases were dismissed by the prosecutor when parties had reached a settlement. Nevertheless, both victims who reached an agreement with the offender and those who did not felt that the offender was the "winning party." Victims generally appreciated the time and attention given to them by both the program workers and by their lawyers.

Victims had no objections to how they had been approached by the program workers. There were no complaints about the clarity of the information provided. One victim complained that he felt somewhat obliged to participate. One victim complained about the failure by the program workers to monitor whether or not the agreement had been carried out by the offender.

Of the 58 agreements between victims and offenders, two-thirds involved financial compensation. In eight cases the offender agreed to abstain from certain behaviour. These were typically cases of domestic violence. Two victims felt that an apology was sufficient and six victims agreed that the case was settled without requiring further action by the offender.

3.1.4 Summary

Around the western world, programs using restorative justice have been introduced and evaluated. The research shows several trends. First, victims' expectations appear to be relatively consistent. Victims participate in restorative programs to seek reparation, help the offender, and to confront the offender with the consequences of the crime and to ask the person questions such as why he or she committed the offence. Victims decline the offer to participate in restorative justice because they do not think it is worth the effort (loss too small or too trivial), because they are too angry with the offender, or disbelieve his or her sincerity.

A problem common to all programs is voluntariness. While all programs were based on voluntary participation, all studies that addressed this issue showed that a small group of victims felt pressured into participating. Victims who feel they have been pressured into a meeting with the offender may feel they have been revictimized by the system. Clearly, this should be avoided at all costs. It is important that victims are given clear and comprehensive information about the program, where it is emphasized that they are in no way obliged to participate or to accept any offer made by the offender.

While advocates of restorative justice claim that it enhances victim satisfaction with the justice system (see Umbreit, 1994), the research reviewed here does not confirm this assertion. Most studies employ weak experimental designs that do not allow the researchers to draw causal inferences. Therefore, any observed differences in victim satisfaction cannot be attributed to mediation. This error is sometimes made by researchers (see, for example, Latimer et al., 2001 and Umbreit, 1994) and policy makers, the effects of which can be harmful to the development of effective criminal justice policies. Only one study employed a sufficiently rigorous design: Strang's (2000) evaluation of conferencing practices in Australia. However, Strang's findings are not clear cut and raise many questions about what victims are responding to. In other words, there is no clear evidence of greater victim satisfaction in restorative justice programs.

While restorative justice may not enhance satisfaction, most victims are satisfied with restorative justice programs. Across the various programs, victims are generally satisfied with the program and only a minority of victims are dissatisfied. Reasons for victim dissatisfaction include failure to receive restitution and a lack of information. These reasons are also associated with general dissatisfaction with the traditional justice

system (Shapland *et al.*, 1985). These complaints could be reduced by following up on cases and monitoring compliance by offenders.

Besides reparation, advocates of restorative justice argue that it can have a healing effect on victims. Again, most studies do not have a sufficiently rigorous design to deduce causality. Hence, it is often unclear whether an observed reduction in anger or fear is a consequence of participation in the program or simply the passage of time. The one exception is once again Strang (2000), who examined feelings of vindictiveness. She found that among victims of violent crimes, those who participated in conferencing were significantly less vindictive than those whose cases were handled in the traditional criminal justice system. It seems that conferencing had helped these victims come to terms with their victimization.

Interestingly, victims do not seem to have a problem with the principle of diversion. Moreover, victims generally support the principle of restorative justice. In particular, victims of property crimes prefer restorative justice programs to the traditional criminal justice system.

One important concern is the lack of priority given to victims in some programs. For example, in their evaluation of family group conferencing in New Zealand, Morris *et al.* (1993) found that victims were not always invited to attend conferencing. This reflects a lack of interest in the position of the victim. Similarly, Marshall and Merry (1990) concluded that mediation programs are often offender-oriented. For example, the types of cases selected for mediation are based on offender and/or case characteristics, without any concern for the victim. Clearly, such developments are not to the advantage of victims and make them vulnerable to revictimization.

3.2 Court-based Programs

Court-based programs can take place at various stages in the criminal justice process; either before entering a guilty plea, after a guilty plea but before sentencing, or at sentencing. Unlike the diversion programs, these programs do not aim to divert offenders out of the system. Typically, the offender's case will be re-entered into the criminal justice system after participation in a restorative justice program.

3.2.1 Victim-Offender Reconciliation Program

United States

Coates and Gehm (1989) examined eight victim-offender reconciliation programs (VORP) in the United States. Most (80%) of the cases in their study were referred to VORP at sentencing; the remainder were part of an effort to divert cases out of the criminal justice system. While most of the offenders (73%) were juveniles, adult offenders could participate in the programs as well. Of particular interest are their findings on who participates in VORP and why, as well as their evaluations of the programs. Their findings are based on interviews with 37 victims who had participated in face-to-face mediation, and telephone interviews with 26 victims who refused to participate.

Expectations

Coates and Gehm (1989) reported that victims chose to participate in VORP with the hopes of:

- recovering their loss,
- helping the offender,
- participating meaningfully in the criminal justice process,
- teaching the offender a lesson,
- making the offender understand that his or her behaviour had hurt people, and
- holding the offender accountable for his or her behaviour.

Victims who chose not to participate indicated that:

- the loss did not merit the perceived hassle of involvement,
- they were afraid of meeting the offender, and
- they had already worked out a settlement.

Experiences

Among the 37 victims who participated in VORP, 59% were satisfied with the experience. Interestingly, the offenders were more often satisfied with VORP than the victims - 83% of the offenders were satisfied with the experience. Only 11% of the victims expressed some dissatisfaction. When asked if they would be willing to participate in VORP again in the future, all but one said yes.

Victims were most satisfied with:

- the opportunity to meet the offender and thereby obtain a better understanding of the crime and the offender's situation,
- the opportunity to receive restitution for loss,
- the expression of remorse on the part of the offender, and
- the care and concern of the mediator.

Victims were least satisfied with:

- lack of follow-up,
- lack of leverage on the offender to fulfil the agreed contract,
- the delay between the crime and the VORP resolution, and
- the amount of time required to participate in VORP.

Regarding the suitability of mediation as a sanction, 70% of the victims who had participated in VORP felt that the offender had been punished adequately. Twenty-four percent indicated that the punishment was too little and 5% felt that it was too much.

John Gehm (1990) conducted a review of the literature on victim participation in VORP and found that victim willingness to participate in a face-to-face meeting with the offender is related to both offence and offender characteristics. Victims were more likely to meet their offender in a face-to-face meeting when their offender was white, when the offence committed was a misdemeanour (versus felony) and when the victim was an institution rather than an individual. He reported that most research shows that victims decline to participate in a meeting for one of two reasons: the meeting was perceived as not worth the trouble (e.g. trivial loss, too much time involved) or the victim had excessive anxiety over the prospect of meeting the offender. He suggested that, for some victims, VORP has the potential for reopening closed wounds. As an advocate of restorative justice, Gehm suggested that:

> If programs are concerned about increasing victim participation in VORP, they may want to consider ways to address victim hesitancy to re-expose themselves to the emotions of victimization experience. For example, rather than immediately soliciting participation in a face-to-face meeting, practitioners may want to consider addressing victims' psychological needs through other mechanisms first (1990:181).

Germany

Netzig and Trenczek (1996) conducted interviews with participants in a VORP in Germany. The program was limited to adult offenders who had committed moderately serious offences, such as theft, burglary, grievous bodily harm, damage to property and fraud. Cases were referred to the program by the district attorney; following mediation, they were returned back to the district attorney for further processing.

Interestingly, the authors reported that face-to-face mediation took place in only one third of the cases dealt with successfully. In about two thirds of the cases, mediation took place indirectly with the mediator talking to each of the affected parties individually. The researchers conducted 75 in-depth interviews with victims and offenders who participated in face-to-face meetings. The authors did not specify how many interviews were carried out with victims and how many involved offenders.

Expectations

The authors reported that 28% of the victims refused to participate. Reasons given were:

- the victim wanted nothing more to do with the matter,
- the victim wanted the case to be decided by a judge, and
- the victim was angry.

Victims reported the following reasons for participating in direct mediation. They want to:

- ask the offender questions so that they can come to terms with what happened;
- know what kind of person the offender is;
- know why the offender committed the crime;
- tell the offender what they think;
- confront the offender with the consequences of his or her actions;
- be able to get anger, grief and disgust off their chests; and
- put an end to the conflict and avoid further escalation (especially for crimes

where there is a relationship between the victim and the offender).

Experiences

After participating, many victims claim that mediation helped them to deal with what happened. This appeared to be particularly important for victims of violent crime who often experienced excessive fear after their victimization. Interestingly, the authors reported that during the mediation talks, financial demands take a back seat and non-material aspects gain in importance. They also reported that victims of crimes that occurred within the family often see VORP as an opportunity to set clear and binding limits with the offender, without destroying his or her life, ending the relationship, or drawing other family members into the conflict.

3.2.2 Victim-Offender Mediation Programs

Canada

In 1995, Umbreit published an assessment of mediation programs in four Canadian cities: Langley, British Columbia; Calgary, Alberta; Winnipeg, Manitoba; and Ottawa, Ontario. The four programs are very different from one another, including the types of cases they target (juveniles/adults), and the point of case referral (from pre-trial to post-sentencing).

The researchers conducted 323 phone interviews with victims from the four different programs. In all, 183 of the victims interviewed had participated in mediation (the experimental group) and 140 victims had their cases referred to the program but mediation did not take place (the control group). The design is an after-only design, which means we do not know if the two groups were initially equal. This makes it impossible to attribute any observed differences between the research groups to the treatment (mediation). The interviews were conducted two months after either the mediation session or the date when the prosecutor, court or related agency otherwise disposed of the case (control group).

Expectations

Compared to victims in the non-mediation group, those who had participated in mediation were more likely to indicate that the following concerns were important:

- receiving answers from the offender,
- telling the offender the impact of the event,
- receiving an apology from the offender, and
- being able to negotiate restitution with the offender.

Experiences

The researchers reported that victims who participated in mediation were more likely to be satisfied with the manner in which the justice system responded to their case (78%) than victims who were referred to mediation but never participated in mediation (48%). However, due to the weak research design, it is not possible to attribute the observed difference to mediation. The groups may not have been equal before the mediation; thus, the observed difference may be due to some other factor such as offence or offender characteristics. Generally, victims in the mediation programs felt that they participated voluntarily (90%). However, a small but significant group felt that their participation was involuntary.

The researchers reported that victims in the mediation group (11%) were less likely than those in the comparison group (31%) to express fear of being revictimized by the same offender and were less likely to be upset about the crime (53% versus 66%). While the researchers attributed the observed differences between groups to mediation, this conclusion cannot be drawn based on the available data.

Canada and the United States

In response to a general hesitancy to implement restorative justice programs for adults, Umbreit and Bradshaw (1997) examined the experiences of victims in adult versus juvenile programs. They provided information on victim experiences in two different programs: one for juvenile offenders based in Minnesota (United States) and one for adult offenders in Manitoba (Canada).

The design employed in this study used unequal comparison groups. The juvenile project involved property crimes (90%) while the adult project involved significantly more violent crimes (40%). Besides a difference in the types of offences, the program procedures were not identical. This study involved a post-test only design as interviews were conducted with victims in both programs only after the mediation session. The problem with a post-test only design is that victims' attitudes may have been different before participation in the program. Therefore, any observed

differences between groups cannot unequivocally be attributed to the different programs.

Experiences

Umbreit and Bradshaw (1997) compared victims' satisfaction with the justice system, their satisfaction with mediation, and victims' subjective experience of distress. The comparison was performed using t-tests. On most items, no significant differences were found. Victims in the juvenile program were, however, more likely to claim that mediation had helped them to participate in the justice system. This difference may reflect differences in procedures rather than the offenders; in the juvenile program, victims had an extra meeting with the mediator. Victims' subjective experience of distress was defined in terms of how upset the victim was and their fear that the offender would re-offend. Victims in the juvenile program were less likely to believe that the offender would commit another crime against them or against someone else. While it is impossible to be certain that this difference is due to the fact that the offenders were juveniles, it is probable that victims are more likely to believe in the rehabilitative effects of interventions when the offender is juvenile than when he or she is an adult. There was no significant difference regarding how upset victims were about the crime following mediation.

England

As part of a cross-national study, Umbreit and Roberts (1996) collected data from two mediation programs operating in England (Leeds and Coventry). Like the study mentioned above, these two programs represented both juvenile and adult offenders and accepted a variety of different types of offences. Unlike the Canadian programs, both the British programs offer either direct or indirect mediation. In both programs, most cases (80%) were handled through indirect mediation. The aim of this study was to conduct a cross-national study using common data collection instruments and analysis across victim-offender mediation projects in three countries. Concretely, the findings would be compared to the above Canadian data and the U.S. data presented in paragraphs 3.2.2 and 3.1.1, respectively.

This study used three research groups. The researchers conducted 19 interviews with victims who had participated in direct mediation (the experimental group1), 25 victims who had participated in indirect mediation (experimental group 2) and 26 victims who had their cases referred to the program but mediation did not take place (control group). The interviews were conducted after either the mediation session (direct or indirect) or the date when the prosecutor, court or related agency otherwise disposed of the case (control group). In all, 70 phone interviews with victims from the two different programs were conducted. As in Umbreit's study (1995), this study design was an after-only design, which means it is not known if the groups were initially equivalent. Again, this makes it impossible to attribute any observed differences between the research groups to the treatment (mediation). In addition, the small number of cases in each of the three groups limits the value of most statistical methods. Unfortunately, the authors did not specify the statistical methods used in the study.

Experiences

The researchers compared victim satisfaction with the criminal justice system for victims who participated in mediation (direct or indirect) against those who did not; they found that the two groups did not differ significantly. Most victims were satisfied with the criminal justice system (62% for the two experimental groups versus 58% for the control group). They found no statistically significant differences between the two experimental groups – direct and indirect mediation – when comparing victim satisfaction with the criminal justice system. In both groups, a majority of victims (68% direct-mediation group and 57% indirect-mediation group) were satisfied with the criminal justice system.

The authors reported that most victims were satisfied with the outcome of their mediation session. While more victims in direct mediation were satisfied (84% versus 74%), the authors found no statistically significant differences between the direct and indirect mediation groups.

The study also looked at voluntary participation in mediation. Overall, 95% of the victims who went through direct mediation felt participation was their choice, while 70% of the victims who went through indirect mediation reported participation was voluntary. The authors did not offer a possible explanation for this observed difference.

The authors also compared victims' concerns. They reported that victims in the mediation groups (direct and indirect) were significantly more likely to believe that it was important to receive answers than victims in the non-mediation group. Similarly, victims in the mediation groups felt that telling the offender the impact of the crime was as important as receiving an apology. Once again, however, it is impossible to know

whether these findings reflect general predispositions among the mediation group (hence their willingness to participate) or are a result of their participation in the program.

Victims in the mediation group, and particularly in the direct mediation group, were less likely to claim to fear revictimization by the offender. However, the observed differences were not statistically significant and the design did not allow the researchers to draw causal inferences.

England

Another study using mediation and adult offenders was conducted by Smith, Blagg and Derricourt (1988). They reported on a scheme in Britain involving cases in which the defendant was remanded on bail. The authors emphasized that the aim of the program was mediation and not reparation, which they equated with compensation. The study is based on interviews with 21 victims: 15 victims met their offenders and 6 did not want to meet their offender. While it is a very small study, the researchers did report some interesting findings.

Expectations

The first response by the victims when they were approached by the probation officer running the scheme was described by the authors as "puzzled." Some were angry and initially saw the scheme as a plea on the offender's behalf.

The authors cited the following reasons given by victims for not participating:

- they did not want to see the offender again (victims who knew offender),
- it would not achieve anything,
- an apology would be meaningless (offence was clearly premeditated),
- the victim's main interest was financial compensation, and
- victims did not participate for fear they would be seen as foolish.

Experiences

Among the 15 victims who met their offender, nine were almost exclusively positive concerning the experience, and four were indifferent or cynical (doubted it made a difference). One victim who was assaulted by her two brothers felt it was positive with one brother but negative with the other. Another victim regretted it, wished that she had never agreed and felt that the outcome was more damaging. This last case involved a victim who felt even more anxious after meeting the offender. She was revictimized twice following the initial victimization and suspected the offender had done it out of revenge. The authors pointed out that the mediator should have followed up on the victim's emotional state of mind after the mediation.

Belgium

In their article entitled "Mediation for Reparation: The Victim's Perspective," Aertsen and Peters (1998) reported on a mediation program in Leuven, Belgium. The program receives cases from the office of the public prosecutor and all cases are returned to this office following mediation. The program is reserved for cases in which the prosecutor's office has already decided to prosecute. Typically, these are more serious types of offences. The results of mediation are forwarded to the judge, who can take them into consideration when sentencing the offender. The authors described the program as victim oriented. This is reflected, for example, in the program procedure where the mediator first contacts the victim and then the offender. The aim of the program is to offer the victim reparation for material as well as non-material damages. The program is flexible in that mediation can either be direct or indirect. In an effort to protect the victim, the mediator will not even suggest direct mediation if he or she feels that the victim does not seem ready to meet the offender.

Expectations

Based on an unknown number of case studies and interviews with victims, the authors reported the following reasons given by victims for their participation in mediation:

- to confront the offender with his or her responsibility,
- the expectation of a positive impact on the offender,
- a longing for restitution and reparation,
- the need for direct information about the reason and the circumstances of the offence, and
- the need to pass a message to the offender, sensitizing the person to the consequences of his or her actions.

Regarding the desirability of a face-to-face meeting with the offender, between 30% and 50% of victims confirmed that they would like to make use of the opportunity. The authors compared this finding to that of Loschnig-Gspandl and Kilchling (1997), who reported that 45% of all victims in their study expressed their readiness to meet the offender. Loschnig-Gspandl and Kilchling also reported that 30% to 40% of the victims who manifested initial resistance against the idea of a personal meeting with the offender agreed to an indirect mediation, while only 27% rejected any type of mediation.

According to Aertsen and Peters (1998), objections against meeting the offender were mostly related to the victims' feelings of fear, anger and scepticism about the possibility of a meaningful interaction with the offender. The authors pointed out that the possibility of indirect mediation must always be kept in mind as this is a less threatening procedure for the victim.

Experiences

The authors reported that an agreement was reached in 50% of all referred cases. However, the evaluation of the project showed that the proposal of mediation and the communication between parties in itself are appreciated more than the agreement.

Aertsen and Peters emphasized the importance of follow-up activities. They reported that it is a disappointing experience for victims when the agreement is not fulfilled.

3.2.3 Restitution

The Netherlands

Van Hecke and Wemmers (1992) reported on a Dutch program that used indirect mediation to arrange the payment of restitution by the offender to the victim. The program was based in an office of the public prosecutor and the mediator was an employee of the public prosecutor. An important characteristic of the program was that the mediator acted on behalf of victims who desired restitution from the offender. All cases were returned to the public prosecutor after mediation.

All 175 victims were contacted and asked if they were willing to be interviewed; 103 (59%) consented. Their responses provided some insight into victims' experiences and expectations. The sample consisted of victims of vandalism/destruction of property (49%), theft (27%), minor assault (10%) and other offences (14%). Cases in which the victim(s) had suffered material damages were also selected for the project.

Expectations

Victims clearly want restitution: 98% of the victims interviewed wanted restitution from the offender. When asked if an apology from the offender would be enough, only 4% agreed. To ascertain whether the victims were merely interested in reimbursement, regardless of who paid, or if it was important that the offender pay, victims were asked if they would be equally happy with compensation from the state; 96% felt that the offender and not the state should provide the compensation. Moreover, victims saw restitution as a suitable sanction; 80% felt that the payment of restitution was an adequate sanction in their particular case and 98% felt that ordering offenders to pay restitution was a suitable or very suitable means to fight crime.

Experiences

When asked how they felt about being approached to participate in the program following their victimization, 64% had "no problem," 30% found it "pleasant" and only 6% found it "unpleasant." Apparently, victims are generally not bothered by being confronted again by the offender. However, it is interesting to note that the mere offer of restitution without meeting the offender can be offensive to some victims.

The respondents were generally satisfied with the manner in which the mediator had arranged mediation; 82% were satisfied and 18% were not satisfied. When asked if they were satisfied with the results achieved by the mediator, 23% said they were unable to answer as their case was still being dealt with, 56% were satisfied with the results and 18% were not satisfied.

Several factors were related to victim satisfaction. First, victims who knew that the offender was willing to pay restitution were more satisfied (79%) than victims who knew that the offender was not willing to pay restitution (67%). However, victims who did not know whether or not the offender was willing to pay were the least satisfied (59%). The authors suggested that this finding reflects the importance that victims place on information. Second, victims who said that the information the mediator had provided was clear were more likely to be satisfied with the mediation.

Victims were also asked to indicate what they felt had contributed the most to their coping with the victimization. Most (58%) indicated that talking with family or friends had helped, 25% said that time had helped, and 25% felt that restitution had helped (more than one answer was possible). In addition, 17 (18%) indicated that restitution was the one factor that had

helped the most. Seventy-five percent felt that the payment of restitution by the offender had helped reduce the consequences of the offence. Twenty percent felt it did not reduce the consequences of the offence, and 5% had no opinion. Thus, the results suggest that restitution may help some victims in dealing with the aftermath of victimization.

3.2.4 Sentencing Circles

A relatively new form of restorative justice is sentencing circles. In circle sentencing, the victim and other community representatives have input, and their needs are considered on par with those of the offender (see Stuart, 1996). Unlike other restorative justice programs such as mediation, in circle sentencing the decision-making power is not delegated to parties but remains in the hands of the judge. Despite an extensive review of the literature, research on sentencing circles was not found. This conclusion is supported by Immarigeon (1999) and Griffiths (1999) who, in their respective reviews of the literature on restorative justice, both concluded independently that sentencing circles have not yet been evaluated scientifically. According to LaPrairie (1995), one of the problems with new Aboriginal community justice programs like sentencing circles is that there is little victim involvement. Referring to a review of four diversion programs for Aboriginal offenders, LaPrairie claimed that victims rarely attended hearings or were kept informed of the consequences or outcomes of hearings. In addition, victims often felt that offenders were being given a "slap on the wrist" and that offenders, not victims, were the focus of healing needs. However, while these findings are reported in relation to sentencing circles, they are based on diversion programs. It is not clear whether these findings apply equally to sentencing circles.

3.2.5 Summary

Once again, the research shows considerable consistency regarding victims' reasons for participating or not in restorative justice programs.

Very few studies include information on how victims felt about being asked to participate in restorative justice programs. In particular, no information is available on the impact among victims who refused to participate. Perhaps being approached to participate opens up old wounds and adds to the victims' suffering. The one study that included information on how victims felt about being approached to participate in restorative justice programs revealed that a small group (6%) did find being approached unpleasant.

One could argue that much of the available research on restorative justice programs has been offender-oriented. For example, Gehm (1990) suggested practitioners may want to consider victims' psychological needs, not so they may help victims, but to improve victim participation in programs. An important observation is that although victims tend to be satisfied with the programs, overall they tend to be less satisfied than offenders. Victims sometimes complain that programs are offender-oriented. To assist victims and avoid revictimizing them, programs and research must give priority to the needs of victims.

Several of the European programs offer indirect mediation in addition to, or in lieu of, direct mediation. Victims often prefer indirect mediation, as it is less confrontational. Offering victims indirect mediation respects their desire to not meet the offender, while giving them the opportunity to request reparation. Moreover, there is no evidence that victims who meet their offenders are any more or less satisfied with the justice system or with the outcome of the mediation than victims who opt for indirect mediation. Indirect mediation, like direct mediation, offers victims both reparation and psychological benefits. Victims who received restitution through indirect mediation felt that it helped reduce the consequences of the offence (Van Hecke and Wemmers, 1992).

3.3 Post-Sentencing Programs

A limited number of programs exist at the post-sentencing stage. In these programs, restorative practices generally do not affect sanctions. Their value is largely psychological – allowing victims and offenders to come to terms with the offence and to put it behind them. These programs typically deal with serious offences. Most of the programs are relatively new and the available research is largely qualitative in nature; however, they are an interesting addition to the spectrum of available services for victims of crime.

3.3.1 Restorative Mediation

The Netherlands

In The Hague, an experiment with restorative mediation has been in effect since 1997. The program is run jointly by a Probation After-Care Organization and Victim Assistance. The aim of the program is to bring a victim and an offender into contact with one another in the hope that it will make a positive contribution to coping with the feelings of guilt and suffering resulting from the crime. It is not about compensation or material

assistance. Mediation does not take place until after sentencing. Participation is fully voluntary and there are no consequences for the criminal proceedings.

In spring 2000, a process evaluation of the program was conducted. The evaluation focused on the implementation of the program, not on its effects. It was based on interviews with professionals working in and with the program, as well as on 10 interviews with "clients" (victims and offenders). The researchers emphasized that the results are only preliminary and the small sample made it difficult to generalize the findings. Nevertheless, the program is novel and the findings are interesting.

Unlike most mediation programs, this one targets serious crimes. In one quarter of the cases referred to the program, the offence had resulted in the death of the victim. In these cases, the program is offered to the victim's family.

The program offers victims a chance to meet their offenders. However, for victims who are hesitant to meet face-to-face with the offender, indirect mediation is also possible. When only one of the two parties is open to mediation (direct or indirect), victims and offenders are offered the opportunity to discuss the case with the mediator. This is referred to as a "positive experience" by program workers. It is hoped that by talking with the mediator, victims will be assisted in dealing with the emotional aftermath of victimization.

Expectations

Victims' reasons for participating in restorative mediation are to:

- forgive and find a way of coping,
- confront the offender,
- understand why things took place, and
- work out or eliminate their fears.

Experiences

The results suggested that there is a need for restorative mediation among victims and offenders.

Victims who participated in the program believe that restorative mediation had value and significance for them. The authors reported that the expectations of the clients who ultimately underwent mediation were largely borne out. Victims reported diminishing feelings of fear, finally knowing why, having the feeling that they had done "everything they could" and that they were able to "close that chapter." In addition, clients who did not ultimately opt for mediation indicated that they were definitely positive about the project as well. Whether they underwent mediation or not, most respondents indicated that the entire process of preparation and seeking contact had helped them in working through and in being able to leave events behind them.

An important issue is timing – when should mediation be offered? The respondents emphasized that parties must be "ready for it." However, opinions were divided as to whether this is always the case at a certain point within the criminal justice process. Here too, parties themselves can best decide whether or not they are ready. This requires, however, that parties know of the existence of the project so they can make their own choices, alone or in consultation with aid workers, their environment or the project managers.

3.3.2 Victim-Offender Conciliation

England

Victim-offender conciliation brings offenders and unassociated victims together as a group to vent their feelings. Launey (1987) reported on a conciliation program in Rochester, England. The program brought young, convicted burglars together with burglary victims as part of a custodial treatment. The advantage of conciliation programs is that they are less confrontational for victims than coming face-to-face with their offender, while they can still vent their feelings and ask the offenders questions.

The present study is based on data from 26 victims who participated in the program. Questionnaires were administered at the end of five meetings for feedback on the program. In addition, questionnaires were administered before and after the third meeting to assess if, and how, perceptions of victims change before and after the meeting. The researchers, however, did not provide any information on victims who chose not to participate.

Expectations

The study did not examine victims' expectations but did report that victims had favourable attitudes toward reparation.

Experiences

Most victims (58%) agreed with the statement that the meetings were helpful in understanding why crime

occurred. Most (92%) felt the meetings had not been a waste of time. Almost all (96%) of the victims felt it was rewarding to talk about their experiences with other victims. They were also glad (96%) to have had the opportunity to have confronted burglars on their actions. All of the victims agreed that it was interesting to listen to the offender's side of the story.

Victims were often less angry and less anxious after the meeting. However, four victims (15%) felt more anxious and angry because some offenders said they had waited for six months for the owners to replace stolen goods before burglarizing the same house. Finally, the meetings did not affect victims' attitudes toward punishment.

3.3.3 Restitution in Correctional Half-way Houses

Canada

Bonta et al. (1983) reported on a program at the Ottawa-Carleton Detention Centre for recently sentenced offenders. Offenders who were willing to pay restitution to the victim and were eligible for placement in a Community Resource Centre could participate in the program. The aim of the program was to reduce recidivism by making offenders pay restitution to their victims. Offenders in the program avoided a custodial sanction. Instead, they worked to earn money so that they could reimburse the victim.

The researchers sent a questionnaire to the 139 victims who were involved in the program. In all, 77 (55%) returned the questionnaire. Unfortunately, the authors did not provide information concerning the victims, or types of victimizations, in the sample.

Experiences

Most victims (65%) were in favour of the program. Moreover, most victims supported the idea that offenders would avoid prison and that in the program offenders were held responsible for their actions. Only 3% of victims were categorically against the program.

Factors affecting victim satisfaction included the amount of damages incurred by the victim and the amount repaid; the more money lost, the lower the rating of the program and the more money repaid, the higher the rating of the program.

3.3.4 Summary

Compared to pre-sentencing programs, there are relatively few programs at the post-sentencing stage. Of the three programs presented above, two focused on the psychological benefits of mediation and one was directed solely at material reparation.

One may question the value of pecuniary damages so late in the criminal justice process. Victims are faced with the material losses resulting from their victimization immediately after the offence. Their need for financial assistance is greatest at this time. By the time a case reaches the post-sentencing stage, years may have passed. In all likelihood, by that time, they will have already found a solution to their financial problems. Nevertheless, the program did hold offenders accountable for their actions and victims were generally supportive of the program.

Of particular interest are the programs focusing on conciliation or mediation between victims and offenders of serious crimes. Unfortunately, the available studies are limited and leave many questions unanswered. For example, it is unclear how many victims are interested in mediation and how many turned down the opportunity to meet with the offender. Also, the studies only consider the impact of the project on victims who participated. It is unclear whether and how the program affected victims who turned down the opportunity to meet with the offender. Perhaps being approached about the project brought back bad memories and reopened old wounds. Perhaps they had already successfully put the experience behind them and had no need to meet the offender. Or perhaps they were not yet ready to meet the offender. Further research is needed to know more about this group.

Nevertheless, these programs illustrate that there is a group of victims of serious offences who are interested in meeting the offender. For these victims, meeting the offender can be an important part of coping with victimization. Confronting their offender, asking him or her questions, and telling that person what impact the crime had can all be very therapeutic for the victim.

As always, participation in such programs must be absolutely voluntary both for victims and for offenders. In this respect, it is significant that the Dutch program made it quite clear that participation by offenders was not associated with any benefits in terms of sentence reduction. As has been pointed out above, victims are extremely sensitive to the sincerity of the offender and a lack of sincerity is associated with dissatisfaction and a feeling of revictimization.

3.4 Summary and Conclusion

While the percentage of victims willing to participate in restorative programs varies across studies, clearly a significant group is interested in them. Moreover, this applies across all types of victimizations, including serious crimes.

There appears to be considerable consensus concerning victims' reasons for choosing to participate or not in restorative justice programs. Regardless of the seriousness of the victimization, the same themes emerge. Victims participate to obtain compensation, help the offender, confront the offender with the impact of the crime, and to ask the offender why it happened. Conversely, victims choose not to participate because they are afraid of the offender, angry, or simply because they do not think participating is worth the time and effort.

The benefits for victims fall into two groups: reparation and psychological. Clearly, a large group of victims is interested in financial reparation. Reparation has both a practical value (replace monetary losses) as well as a symbolic value as it holds the offender accountable for his or her behaviour.

Among the psychological benefits is the healing effect that restorative justice can have on victims. Most victims who participated in programs claim that meeting the offender had a positive effect on them. However, it can also hurt victims. Some victims were not "ready" to meet their offender, they felt coerced into the meeting, isolated, fearful, or vulnerable. Whether participation hurts or heals depends on a number of factors, such as the perceived sincerity of the offender, the availability of victim support and the neutrality of the mediator.

First and foremost, however, the victim must be open to the idea of restorative justice. Participation must always be completely voluntary. If a victim is not fully ready to meet the offender (e.g. due to fear or anger), attempts to bring parties together may exacerbate the victim's suffering. All of the above studies found a small but significant group of victims who felt that they had been coerced. That these victims feel revictimized is of no surprise. Victim reluctance to meet face-to-face with the offender is one reason why indirect mediation is more popular among victims than direct mediation. Unfortunately, indirect mediation is generally not available in North America. Research shows that indirect mediation clearly addresses an existing need among victims and there is no reason why it should not be made available in North America.

While most evaluations report high levels of victim satisfaction with restorative justice, there is no clear evidence to conclude that victims are more satisfied than they would be in the traditional criminal justice system. Most studies do not allow a comparison between the two treatments. In the one available study with a design that allows for comparison between the two groups, the results are ambiguous.

Victim dissatisfaction with restorative justice programs is due to lack of information, the absence of restitution and failure by authorities to follow up on offender compliance. It is important to note that these complaints are not unique to restorative justice programs. Victims dissatisfied with their treatment in the traditional criminal justice system likewise complain about the lack of information, restitution and the failure by authorities to ensure offender compliance with restitution orders (see Sullivan, 1998; Wemmers, 1996; Shapland et al., 1985). Also, a lack of remorse on the part of the offender is associated with victim dissatisfaction with restorative justice programs.

Regarding procedural and organizational considerations, an important question is whether approaching victims and asking if they wish to participate in restorative justice programs is disturbing for some victims. Only one study asked victims how they felt about being approached by the mediator and asked to participate in the program (Van Hecke and Wemmers, 1992). This study revealed that while most victims were not bothered by the offer of restorative justice, a small group was and found it an unpleasant experience. It should be pointed out that this was a rather innocuous offer of indirect mediation by a mediator working for the office of the public prosecutor. The purpose of the program was to arrange the payment of restitution by the offender for victims who had retained financial losses as a result of the offence, without diverting the case out of the criminal justice system. If such a simple program can be upsetting to victims, clearly more controversial programs will also have a negative impact on some victims. More research is needed on how victims who choose not to participate are affected by the offer and how any negative affects can be reduced.

4.0 Specific Groups of Victims

Many of the existing restorative justice practices, particularly victim-offender mediation programs, focus primarily on non-violent property crimes and minor assaults (Umbreit *et al.*, 1999; Umbreit and Bradshaw, 1997). Very few restorative justice programs have been implemented to deal with more serious crimes (Beckers, 2000; Bonta *et al.*, 1998; Umbreit and Bradshaw, 1997). Victimization surveys reveal that 74% of violent crimes involve a relationship between victims and offenders (Besserer and Trainor, 2000). On the one hand, the fact that parties already know each other and share some kind of relationship makes these cases particularly suitable for conflict resolution. On the other hand, the seriousness of these offences and the power imbalance often inherent in violent offences makes them less suitable for restorative justice initiatives. In this section, the literature found on victims' expectations and experiences with restorative justice practices intended for victims of violent crime, domestic violence and sexual assault is reviewed.

4.1 Violent Crimes

4.1.1 Victim-Offender Mediation

Anchorage, Alaska

Research conducted by Flaten (1996) examined seven cases of victim-offender mediation dealing with serious offences (manslaughter, attempted murder, breaking and entering with attempted murder, and burglary) committed by juvenile offenders who were sentenced and detained in a correctional facility. The mediation process focuses mainly on the reconciliation of both parties and reparation is encouraged.

The author wanted to determine whether the participants considered the mediation to be successful and what factors they considered to have contributed to its success or lack of success. In-depth interviews were conducted between one and two years after the mediation with participants. In all, seven victims participated in the study. No information is given on the four victims who participated in the program but were not interviewed. Due to the limited number of victims interviewed, it is impossible to generalize the findings to the general population. However, the qualitative data presented can be informative with respect to victims' experiences with restorative justice.

Experiences

Flaten (1996) reported that all victims interviewed found the mediation process helpful in obtaining closure. Victims expressed a better understanding of the incident and felt they could accept it as a past event. A concern with the offenders' rehabilitation also surfaced as victims mentioned the importance of being able to tell the offender how they wanted the person to improve his or her life. In addition, four victims stated that it was beneficial to have seen the offender in person and to have heard him or her apologize.

According to the victims interviewed, preparation prior to the mediation and the time elapsed between the mediation and the offence were considered factors contributing to the success of the mediation. Victims recommended using mediation at least a year following the incident, as they said it gave them enough time to deal with their feelings of anger and grief. Flaten also stated that most victims were involved with some type of counselling or were in contact with a victims' advocacy group before the mediation.

Most victims felt that the process was appropriate when dealing with serious offences and that it should be made available to other victims. Voluntary participation and the progression of the treatment of the offender were regarded as important elements to consider.

While most victims described the mediation as successful, one victim reported being dissatisfied with the outcome of his case since the offender did not complete the restitution agreement. The victim also felt that the offender should be accountable for what happened. The victim was unaware that the offender was still incarcerated and that no enforcement procedure was available. It is important to note that the victim originally believed he was meeting a young offender chosen at random who committed a burglary, whereas the offender, during the mediation, told the victim that he was the actual person who committed the crime against him. This example illustrates the importance of preparation prior to mediation.

Langley, British Columbia

Operated by the Fraser Region Community Justice Initiatives Association, the Victim-Offender Mediation Project (VOMP) focuses on cases of serious crime, such as aggravated sexual assault, serial rape, murder and

armed robbery. The main purpose of the program is to promote the healing of the victim and offender by stimulating dialogue (direct or indirect) between both the offender and the victim. Many different types of interventions were developed, including support, counselling, information, indirect communication via videotapes and letters, and face-to-face meetings with the offender. Face-to-face meetings between offenders and victims do not always take place. It is the participants who decide on the pace and extent of the process. Both the victim and the offender can initiate the mediation process. However, in most cases an intermediate person or organization refers the victim or offender to the program.

Roberts (1995) included qualitative data on victims' experiences with the program in an extensive program evaluation. In total, 24 face-to-face and telephone interviews were conducted with victims (11 victims of sexual assault, 5 relatives of murder victims, 6 victims of armed robbery, 2 other victims) who participated in the program.

Expectations

Motives varied among victims when considering whether to participate in the program. Some stated being merely curious and others expressed the desire to help the offender. The most common reasons were the need to know more about the offence and to share its impact with the offender. Some also felt that they had to participate to finally get closure. For some victims, other forms of intervention such as victim assistance and counselling could not provide closure. These other forms of intervention could not satisfy their need to find out things about the offender and the offence and to be able to convey the impact of the offence. The second most popular response mentioned by victims was that the VOMP staff inspired them.

Some victims (17), however, expressed having some fears prior to the mediation process. These fears were:

- fear of the staff being pro-offender,
- fear of opening old wounds,
- fear of acting inappropriately in a meeting,
- fear of being too scared to start or complete the process, and
- fear of the unknown.

As mentioned earlier, the participants could decide on the pace and extent of the program. Victims who just wanted information about the offender preferred to participate via videotape or by exchanging letters. Video was used to ask questions and receive answers to questions. In addition, victims used video to assess the offender's sincerity and reactions. Those who were concerned about the impact of the crime and who had a previous relationship with the offender were usually willing to proceed with a face-to-face meeting. Victims who wanted to meet the offender:

- believed the offender's motives,
- felt that the offender could not exercise any authority, and
- felt strong and safe enough to face the offender.

Experiences

Victims appreciated meeting the offender. They felt that meeting the person directly, to see him or her as a real human being, gave them a sense of control and allowed them to move forward in their lives. They appreciated knowing how and why the offence happened and hearing this directly from the offender.

The flexibility of the program was also greatly appreciated. Victims were allowed to determine the extent and pace of the process, and this gave them a sense of being in control. Moreover, they felt that staff members listened to their concerns. Two victims also expressed the importance of being able to choose either male or female staff support and mediators.

Victims who participated in a face to-face meeting with the offender identified the following factors as important and helpful:

- the acknowledgement of responsibility from offender or apology from offender,
- being able to express anger about the crime and its impact,
- getting answers, and
- seeing the offender being affected or being honest.

Victims also expressed satisfaction with the immediate and long-term follow-ups. Victims were contacted by staff a couple of days after meeting. The frequency and duration of the follow-ups varied depending on the victims' needs.

All but one victim stated that they had been able to achieve closure and to come to terms with what had happened. Specifically, victims indicated that they felt

like they had finally been listened to, and that the offender was unable to have control over them. Victims were now able to see the offender as a person rather than as a monster. They also mentioned feeling more trusting in their relationships with others, less fearful, no longer angry, and at peace with themselves.

In general, victims reported that they felt the process was empowering. Although some victims doubted the offender's ultimate capacity for positive conduct in society, they clearly expressed support for the program for themselves, and as a valuable process in and of itself. They thought it was professionally run and would recommend it to others. This was true even for two victims who felt that the offender was not being totally honest and denied some things about the offence.

4.1.2 Victim-Offender Reconciliation Programs

New York, Wisconsin and Minnesota

Umbreit (1989, 1990) presented seven case studies involving violent offenders and their victims to demonstrate the potential use of victim-offender reconciliation programs dealing with violent crimes. The cases described involved six types of violent crimes – armed robbery, sexual assault, assault, negligent homicide, a sniper shooting and burglary – involving eight victims. The mediation sessions took place following the offender's sentencing, specifically during the person's incarceration.

The author conducted interviews with victims who had participated in the program. In addition, Umbreit participated as co-mediator in the mediation sessions involving the sniper shooting. Unfortunately, the author did not provide any specific information about when the interviews were conducted.

Although it is difficult to draw any conclusions from the case studies presented due to the limited sample and the lack of information on the study design, the qualitative data collected are informative.

Expectations

When invited to participate in a meeting with the offender, one victim did not hesitate while three others did not immediately agree to the mediation. For these three victims, numerous contacts were required.

The reasons given by victims for their participation in the program were to:

- ask the offender questions,
- understand why the incident had occurred, and
- see the person who committed the crime.

Experiences

Following mediation, most victims felt their questions had been answered and that they had a better understanding of the person who had committed the offence. These victims also indicated that they felt capable of forgiving the offender. Although most victims felt they had the opportunity to obtain emotional closure, two victims remained angry but with lesser intensity than before the mediation (Umbreit 1989, 1990). As there were no interviews with victims prior to mediation, it is not possible to attribute any differences to the mediation process.

4.1.3 Victim-Sensitive Offender Dialogue

United States

Umbreit described a specific model used in cases of violent crimes identified as Victim-Sensitive Offender Dialogue (VSOD), which differs from the traditional victim-offender mediation process usually employed with property and minor crimes. Umbreit et al. stated that this new approach has a number of distinguishing characteristics:

Emotional intensity; extreme need for non judgmental attitude; longer case preparation by mediator (6 to 18 months); multiple separate meetings prior to joint session; multiple phone conversations; negotiating with correctional officials to secure access to inmate and to conduct mediation in prison; coaching of participants in the communication of intense feelings; and boundary clarification (mediation/dialogue versus therapy) (1999: 323).

The VSOD requires essentially an extensively trained mediator, longer case preparation - which is a crucial phase of the process prior to actual mediation - and mandatory follow-ups subsequent to the mediation. This new mediation approach is qualified as a "humanistic mediation," which focuses mainly on the dialogue between both parties.

To better explain the model and its implications for future practice, Umbreit briefly presented two case studies, each involving the parents of murdered children. In one case, a mother whose son was robbed and murdered met with the offender. In the second case,

the mother and father of a young girl who was abducted, raped and murdered met the offender. Since it was not the specific intent of his article, no detailed information was given on the data collection process. The examples used by Umbreit do, however, include information regarding victims' expectations and experiences with the mediation procedure.

Expectations

Umbreit stated that in both cases the parents of the murdered children wanted to meet the offender to get answers to their questions. One of the parents also expressed the need to see the offender and a desire for him to feel and see her pain.

Experiences

In both cases, the victims (the parents) felt certain questions were left unanswered and some responses were unsatisfactory. In one case, the victim declared that although she could not forgive him, she still wanted the offender to do well and that she no longer saw him as inhuman. In the second case, the victims mentioned doubting the truthfulness of the offender's story; however, there was evidence of remorse. They also expressed the desire to help the offender and mentioned finally being able to move on.

4.1.4 Summary

Although very few studies were found that explored the expectations and experiences of victims of violent crimes with restorative justice programs and only a limited number of victims participated in each study that was reviewed, the results show that there is an interest in restorative justice among victims of violent crimes.

Reasons for participating in restorative justice programs include:

- curiosity,
- helping the offender,
- getting answers to questions,
- confronting the offender with the consequences of his or her behaviour, and
- seeking closure.

When looking at victims' participation in restorative justice programs, no data are presented on victims refusing to take part in such programs and the reasons for declining to participate. A question arises concerning victim voluntarism. When looking at the findings in Umbreit's study (1989, 1990), it is stated that numerous contacts were sometimes made with victims before they agreed to participate. Clearly, participation must be fully voluntary.

It is important that procedures are sensitive to victims' needs. Important factors include proper preparation of victims before the meeting and follow-up counselling afterwards. A good example of this is the mediation project in Langley, B.C., which included immediate and long-term follow-ups. Depending on the victim's needs, victims in this project were offered many different types of interventions, including indirect mediation.

4.2 Domestic Violence

4.2.1 Mediation

District of Columbia, US

The District of Columbia Mediation Services (DCMS) organizes mediation for cases of domestic violence. A person can file a complaint to the Citizens' Complaint Center where an intake worker meets with the complainant, and suggests one or more possible solutions, including mediation. Two mediators are assigned to the case. If both parties agree, the mediation session will take place. The mediators are no longer involved once the mediation is over and parties have come to an agreement. If no agreement has been reached, parties are left to their own plans, except if the mediation was combined with another remedy. A solution can also be combined with other remedies (e.g. the complainant may be referred to the prosecutor and following prosecution, mediation can be initiated). However, the remedies suggested will depend on each case individually. With respect to domestic violence cases, mediation will not be recommended if:

- the victim has suffered injury,
- a gun was used to threaten the victim,
- the violent behaviour is repetitive, and
- there does not appear to be sufficient parity of bargaining power between parties.

The selection criteria defined are therefore very restrictive.

Two months after the mediation, a staff member of the DCMS contacts both parties to assess their experiences with the mediation process and outcomes. Bethel and Single (1982) presented the results from victims'

interviews for a six-month period (August 1980 through January 1981).

Experiences

The findings demonstrated that most victims were satisfied with the mediation process (80%) and felt the hearing was conducted fairly (90%). When asked if they were allowed to say everything, 95% of victims responded affirmatively.

Regarding the outcome, 80% of victims were satisfied with the agreement while 73% mentioned that the offender maintained the agreement. When questioned on the occurrence of further problems after the mediation, 76% stated that no further problems were present. Among the victims who declared further problems, four reported more assaults and four others complained of harassment.

According to the authors, the high satisfaction rate showed that mediation can be suitable for less serious forms of domestic assault. They justified the success as a result of a good screening process, and that only certain types of domestic violence cases were referred to mediation. However, the selection criteria are very restrictive and as stated by Rowe:

These guidelines, taken together with an understanding of the dynamics of the battering relationship, would appear to eliminate virtually all cases of domestic violence (1985: 884).

4.2.2 Court Versus Mediation

Charlotte, Los Angeles and Minneapolis, US

Smith (1983, 1988) examined the experiences of victims who knew their offender (e.g. victim's husband, boyfriend, mother, friend, neighbour) to evaluate their perceptions of the criminal court's response. She compared a non-random assigned group of victims who went to court with a group of victims who were diverted to mediation in three different cities: Charlotte, N.C., Los Angeles, Calif. and Minneapolis, Minn. Mediation cases were either referred directly by the prosecutor, upon refusal to prosecute, or, if the prosecutor decided to prosecute, the criminal court judge could decide to divert the case to mediation.

To determine levels of victims' satisfaction, structured interviews were conducted within a three-month period after the cases were disposed, with 125 victims of non-stranger violence who were referred to court and 75 victims who were diverted to mediation.

All the cases in the sample involved misdemeanour assaults as a result of which more than two thirds of the victims had sustained injuries and one quarter required medical attention. Most cases involved bodily force and one quarter of the assaults involved weapons such as guns and knives. No information is given on the proportion of these cases that were the result of domestic violence. In fact, although Smith examined the experiences of non-stranger violence victims who participated in mediation or went to court, no distinction is made about the type of relationship between the victim and the offender. Consequently, it is difficult to interpret the results if examining domestic violence cases exclusively. Also, the non-random assigned groups and the post-test design make it impossible to attribute any observed differences between groups to the specific treatments.

Experiences

When examining victims' experiences with the processes, victims in the mediation sample indicated that they felt they had had a chance to tell their story and an influence on the final outcome. In contrast to the experiences of the victims in the mediation sample, the court victims reported having little opportunity to participate in the process. Victims in the mediation sample reported higher rates of participation than the court victims.

Also, victims in the mediation sample were more satisfied with their treatment than the court victims, although the difference was not statistically significant. Nevertheless, most victims, whether they participated in mediation or attended court, indicated that they felt they were well treated. Overall, victims in the court and mediation sample reported similar satisfaction rates with the process.

The author explained that the high level of satisfaction among the court victims was associated with the special courtrooms for domestic violence cases in the Charlotte and Minneapolis samples. These courtrooms have been implemented specifically to handle cases of domestic violence and the court personnel have expertise with these types of cases. For example, judges can take their time to explain the procedure to victims. While the author stated that satisfaction is related to the method of dealing with the victim in court, she did not address victim satisfaction in the mediation sample.

Smith reported that although a majority of the victims in the mediation and the court sample were satisfied with legal officials, the court or mediation process, and their

treatment, there were still some victims who expressed dissatisfaction (25% to almost 50% in some cases).

Comparing victims' perceptions on the immediate outcomes, victims in the mediation sample were more likely to be satisfied with the outcome than those in the court sample, but this was not statistically significant. Victims reported similar satisfaction rates whether the case resulted in a guilty plea or verdict, or dismissal. The author explained that satisfaction rates with the outcome (guilty plea or verdict, or dismissal) were mostly correlated with the victims' perceptions of the termination of the violence. Smith stated:

Victims tended to be satisfied if the violence stopped and dissatisfied if it did not, regardless of the outcome (1988: 190).

Smith also examined the occurrence of further problems (e.g. nervousness, financial distress, fear of revenge, concerns about safety, family problems) two to three months after the closure of the case. She found that 22% of victims in the court sample reported renewed problems with the offender compared to 15% of victims in the mediation sample. She also indicated that a slightly higher percentage of victims (24%) who had intimate relationships with the other party reported renewed problems, without specifying which sample.

The author also reported that 31% of victims whose cases were dismissed stated experiencing further problems compared to 15% of victims whose cases resulted in a guilty plea or verdict. However, when asked if the court system's response was helpful in improving the relationship with the other party, many victims in the court sample (79%) and in the mediation sample (77%) believed that the treatment was helpful or at least somewhat helpful in improving their relationship with the other party. Smith stated:

Thus even when the court's treatment is not entirely effective in deterring problems, it may lessen the frequency or seriousness of recurring problems (1988: 191).

4.2.3 Summary

Very few studies were found on domestic violence victims' experiences with restorative justice. Once again, these studies are limited to victim-offender mediation practices. Both studies reviewed contain weaknesses concerning the definition of domestic violence. Bethel and Singer (1982) employed a very narrow definition, and Smith (1988) did not clarify the proportion of cases defined as domestic violence. Nevertheless, these studies showed that there is a group of victims of domestic violence who are interested in restorative justice processes and, as such, the issue merits further exploration.

4.3 Sexual Assault

4.3.1 Victim-Offender Mediation Project

Langley, B.C.

Gustafson (1997), in an address to the prison governors in Leuven, Belgium, presented a case study involving victims of a serial rapist. Two of the victims had heard of the victim-offender mediation project dealing with serious crimes in Langley, B.C., and wanted further information on its process. Gustafson recalled his encounter with these women who eventually decided to meet their offender.

Expectations

Two of the women, both of whom had been suffering from Post-Traumatic Stress Disorder for nine years, had expressed a definite need to meet their offender. One of the victims described her reasons to participate in a meeting with the offender:

> To write the final chapter on this era of my life, I'll need to meet with him, face-to-face. I have dozens of questions that were never touched on in the justice process. I need to ask "why?" and "why me?" and I need to be open to his humanity, his pain, to see if we can find some new freedom for us both (...) "Just relax", he said, "and you will survive". Well someone didn't survive – my twins lost their lives [victim was pregnant with twins during the assault and had a miscarriage a few weeks following the assault]. I want to see how he responds to the news of the loss of my babies. I want him to have to deal with my pain and his responsibility for the consequences (Gustafson, 1997: 11).

Experiences

Both victims had expressed being able to move on with their lives, and as stated by Gustafson, it was a therapeutic experience. One of the victims stated: "I have my music back" (Gustafson, 1997: 12). During the attack, she had accidentally turned on the clock radio

and after the attack she was unable to listen to any type of music broadcast, whether it was on the radio or in the background in a supermarket, which she would have to leave. She also mentioned being able to sleep for the first time between three and five in the morning (the attack occurred at 4:00 a.m.) following the mediation with the offender.

4.3.2 Summary

Although we cannot draw any conclusions from these two experiences, they do reveal that even among very serious crimes, like sexual assault, some victims feel the need to meet their offender. An important question is when and how to offer victims the opportunity to participate in restorative justice programs. In these examples, it was the victims who approached the mediation service in Langley. When a victim is ready to meet the offender, mediation can help him or her overcome the trauma of crime. It can provide victims with a sense of closure and enable them to move on.

4.4 Summary and Conclusion

Compared to less serious offences, there are relatively few restorative justice programs available for victims of violent crimes. The available evidence is largely anecdotal, and systematic program evaluations are not available. Nevertheless, the available research does suggest that there is a group of victims of violent crimes who are interested in restorative justice programs. These victims, like the victims of less serious offences, want to confront the offender with the consequences of his or her behaviour, to ask questions, and to seek an apology. For these victims, meeting the offender can provide them with a sense of closure, enabling them to put the event behind them and to move on. The programs must be highly sensitive to victims' needs and offer counselling both before and after a meeting with the offender. Moreover, they must be flexible so that program workers can tailor a response that fits the victims' needs. Specifically, programs should offer victims more than just direct mediation. In a flexible program, victims might choose indirect mediation, the exchange of letters or videos with offenders, or counselling in cases where the offender is unable and/or unwilling to engage in mediation.

5.0 Conclusions and Recommendations

5.1 Conclusions

5.1.1 Victims' Perceptions

Victims generally are in favour of restorative justice practices provided participation is fully voluntary. Victims like the fact that restorative justice programs recognize their interest in the case. Restorative justice programs provide victims with notification of the developments in their case and an opportunity to ask for restitution. While the traditional criminal justice system should offer victims these same services, it is often only within the context of restorative justice programs that these services are regularly offered (Hoegen and Brienen, 2000; Sherman *et al.*, 1998). Victims also like the idea that offenders are held accountable for their actions.

Victims, however, do not feel that they should have to be concerned about reaching a settlement with their offender or about punishment. Victims are quite content to hand over certain responsibilities, such as punishing offenders, to criminal justice authorities (Kilchling, 1995; Marshal and Merry, 1988). Nevertheless, there is a group of victims, between 40% and 50% of all victims, who are interested in meeting their offenders. This percentage varies depending on the type of victimization – generally, it is lower among victims of violent crimes and higher among victims of property crimes. In addition, there is a group of victims who are willing to participate in mediation programs

5.1.2 Victims' Expectations

The available research is relatively consistent regarding victims' expectations. Victims participate in restorative justice programs to seek reparation, help the offender, confront the offender with the consequences of the crime, and to ask questions such as why the offence was committed. Interestingly, regardless of the seriousness of the offence, the reasons given by victims for their participation in restorative justice programs remains quite consistent.

Victims decline the offer to participate in restorative justice programs because they do not think it is worth the effort (loss too small or too trivial), because they fear the offender, they are too angry with the offender or disbelieve his or her sincerity.

Victims' expectations are an important determinant of victim satisfaction: victims are satisfied when their expectations are met or exceeded and tend to be dissatisfied when their experience falls short of expectations.

5.1.3 Victims' Experiences

The results of studies reveal that most victims who have participated in restorative justice programs are satisfied with the experience. However, when compared to offenders, victims tend to be less satisfied. Moreover, when compared to victims whose cases were handled in the traditional criminal justice system, there is no clear evidence to conclude that victims in restorative programs are any more or less satisfied. Clearly, restorative justice programs are not a panacea for victims. Nevertheless, given the interest in such programs, it is important to understand the sources of victim satisfaction and dissatisfaction.

Victims are satisfied when they feel the offender has accepted responsibility for his or her actions. This can be expressed through the payment of restitution and offering an apology to the victim. Conversely, victims are dissatisfied when the offender fails to follow through with his or her promises to pay restitution or when the apology is felt to be insincere. This finding emphasizes the importance of voluntary participation both for victims and offenders. If offenders are pressured or coaxed into participating in these programs with promises of lesser sentences, they may not accept full responsibility for their actions, and this can have negative consequences for the victims who find themselves sitting across from an unrepentant offender.

Victim satisfaction is also related to the quality and clarity of information provided by project workers. When victims are given clear information about the program, what it offers and what they can expect, they tend to be more satisfied than victims who feel they have been given unrealistic expectations or who find themselves quite unprepared for the meeting with the offender.

Overall, most victims who participate in restorative programs feel they benefit from them. Benefits for victims can involve the payment of restitution as well as psychological benefits. The research shows that the psychological benefits, such as less anger or fear, are particularly important for victims of violent crimes.

Unfortunately, most of the research does not isolate the impact of mediation on coping. The one exception is the study by Strang (2000). She found that after participating in conferencing, victims of violent crimes are significantly less vindictive and angry toward their offender than victims of comparable cases that were dealt with in the traditional criminal justice system. For victims of property offences, conferencing does not have the same effect; victims of property crimes rarely foster feelings of vindictiveness toward the offender and whether they participated in conferencing or their cases were dealt with in the traditional criminal justice system did not change that. Hence, the psychological benefits of restorative justice programs are particularly important for victims of violent crimes.

Despite the potential benefits of restorative justice programs for victims, a small but important group of victims felt revictimized by the experience. This occurs because they felt pressured to participate or the meeting with the offender stirred up old, unresolved feelings such as fear and depression. Other factors mentioned include a lack of remorse on the part of the offender as well as the failure by the offender to follow through with the agreement. Regarding this group, Morris *et al.* (1993) concluded that, in general, victims who felt greatly influenced by the offences were most likely to feel worse if they attended the conference. Clearly, there is greater risk of secondary victimization through the exposure of victims in face-to-face meetings with offenders. However, given the potential benefits of restorative justice programs for victims, it would be a mistake to simply deny victims this service. Instead, programs must focus on victims' needs.

Finally, the above conclusions are based on victims who were offered the opportunity to participate in restorative justice programs. While such programs aim to bring parties together, often the victims themselves are not invited to participate. For example, Morris *et al.* (1993) reported that in less than 50% of the cases, victims were invited to attend conferencing. This practice clearly shows a lack of interest in the victim. As Marshall and Merry (1990) pointed out, the selection of cases in most programs focuses on offender and offence characteristics. Programs that fail to respect the position of victims of crime are in conflict with victim policy, as reflected in the Statement of Basic Principles of Justice for Victims of Crime (Federal-Provincial-Territorial Working Group on Victims of Crime, 1988). Programs must be sensitive to victims' needs.

5.2 Recommendations

5.2.1 Future Research

The available research on victims' experiences has focused primarily on victims' reasons for participating in restorative justice programs. In contrast, there has been no systematic study of victims' needs and how restorative justice programs can best meet those needs.

Despite the interest in victim participation, the available research tells us very little about the experiences of victims who refuse to participate in restorative justice programs. Among these victims are those who are not yet ready to meet the offender as well as victims who simply are not interested in meeting the offender, and probably never will be. If and how victims are influenced by the offer to participate in the program remains unclear. It is conceivable that for some victims the program opens up old wounds, which may augment the victim's suffering. However, at present the research tells us nothing about this group. It is also unclear if and how many victims are bothered by the offer to participate in restorative justice programs. Moreover, we know little about the factors that might alleviate victim anxiety and that could help to avoid further suffering. Clearly, future research should focus on the experiences of these victims.

In addition, the available program evaluations tend to follow a post-test only design. This does not allow the researchers to isolate the impact of the program. The present review of the literature revealed only one study that was rigorous enough to allow the researcher to draw causal inferences. If future research is to add to the existing knowledge base, more attention must be given to the design of the studies. This will inevitably cost more than simple, post-test only studies; however, investing in post-test only studies in order to understand the impact of restorative justice programs on victims is a waste of time and money as they reveal nothing about the effects of the program.

Besides a general lack of information regarding the impact of restorative justice programs on victims, it is presently impossible to compare and contrast programs. Some programs may be better for victims than others, but the present state of the research does not allow for clear comparisons between programs. In particular, little is known about procedural and organizational aspects of the different programs and how these affect victims. More research is needed that compares and contrasts the impact of different restorative justice programs on victims.

5.2.2 Policy Recommendations

While the available research has its limitations, it is clear that there is a demand for restorative justice programs among victims. The question is therefore not whether restorative justice programs should be offered to victims but, rather, how they should be offered. Clearly, restorative justice programs must attend to victims' needs as different victims will have differing needs. Rather than trying to impose a single ideology of what victim-offender mediation should be like, programs should strive for flexibility in response to victims' wishes. This may mean offering victims both direct and indirect mediation. Indirect mediation is common in Europe; however, North American programs generally do not offer victims this option. While a face-to-face meeting between victims and offenders can be beneficial, it is not a necessary precondition for conflict resolution and reparation. Research shows that many victims are interested in restorative justice programs but do not wish to meet the offender. By offering indirect mediation, programs are responding to the needs of victims of crime.

In addition, where indirect mediation is not possible because the offender does not want to participate, victim support should be provided. The Dutch example of a so-called "positive experience" is an example of how project workers can respond to the needs of victims while maintaining the policy of voluntary participation. Another possibility is victim-offender conciliation where victims meet a group of unassociated offenders. While further research on these programs is needed, they may be useful for victims who are unwilling or unable to meet "their" offenders.

An important concern is the exclusion, or minimization, of the role of crime victims. For example, Morris et al. (1993) reported that victims are not always invited to attend family group conferences. This shows how some programs place victims' needs far behind other priorities such as diversion, or prevention. Victims' needs must always be given priority, regardless of the aim of the program.

An important aspect of program organization is when to offer mediation. Clearly, there is no one time that will be good for all victims. Research shows that victims have to be "ready." This makes program organization particularly challenging, as the organizer cannot know when each victim is ready. Only victims know when they are ready. If victims are provided with information regarding the availability of restorative justice programs in their area, they can contact programs when they are ready. This passive approach may be most suitable for victims of serious crimes. For victims of less serious crimes, a more active approach may be suitable. If, for example, the police include in their report whether or not the victim wants notification and restitution, later, when the case is solved, a mediator could use this information in his or her decision to offer a victim the opportunity to participate in a restorative justice program.

Inherent in this approach is a distinction between serious crimes and less serious crimes. Victims view restorative justice programs as appropriate for property offences. For these crimes, victims generally have no objections to the use of restorative justice programs in lieu of traditional sanctions. For the more serious offences, a different approach is justified. While there is an interest in restorative justice programs among victims of serious offences, they are not viewed as an alternative to the traditional criminal justice process. For these serious crimes, restorative justice programs should not be offered until after sentencing. Restorative justice programs offer the victims of serious crimes the opportunity to come to terms with their victimization. The benefits are largely psychological. As such, participation for both victims and offenders must be completely voluntary. This means that participation should not affect sentencing. Otherwise, this opens the door to the calculating offender who will participate in the program in order to reduce his or her sentence rather than out of a sense of responsibility. Research shows that victims are sensitive to offenders' sincerity and that a perceived lack of sincerity on the part of the offender can have a negative impact on victims.

The mediator plays a key role in restorative justice programs, regardless of whether mediation is direct or indirect. It is important to victims that the mediator is perceived as neutral. The experiences of victims in restorative justice programs reveal that when the mediator comes across as supportive of the offender, the victim may feel vulnerable, insecure and revictimized. Mediators must receive proper training. They must be made aware of the impact their behaviour can have on victims and how they can avoid revictimizing victims.

Mediators must not think that their job is over after a meeting has taken place between the victim and offender. They have a responsibility to monitor the compliance by offenders. Failure by offenders to meet their end of an agreement is frustrating for victims who feel revictimized. Moreover, there must be some kind of leverage or incentive to prompt offenders to keep their word. In addition to monitoring compliance, mediators should provide follow-up counselling to victims. The experiences of victims in restorative justice programs

reveal that meetings can stir up many different emotions in victims such as fear, anger and depression. Mediators have a responsibility to victims to help them cope with these emotions.

Victims are not looking to usurp the power of the courts. While victims want to be included in the traditional criminal justice system, they do not want the burden of having to sanction the offender. Many victims enter mediation programs in an effort to secure restitution. However, if there is any disagreement about the amount of the damages, victims would rather leave it to the courts (Wemmers, 2000; Marshall and Merry, 1990). It is important that victims not be forced to take on responsibilities that they do not want. One way to avoid pressuring victims into participating in restorative justice programs is by offering them choices, including the choice to request restitution and notification within the criminal justice system.

Restorative justice programs cannot replace the traditional criminal justice system. There will always be victims and offenders who choose to have their cases remain in the traditional criminal justice system. While the criminal justice system should offer victims many of the services that are offered in restorative justice programs, such as notification and restitution, it is often only within the context of restorative justice programs that these services are provided (Sherman et al., 1998). The implementation of services for victims in the traditional criminal justice system is problematic in most western countries (Hoegen and Brienen, 2000). In Canada, for example, victims of crime can request restitution within the traditional criminal justice system; however, judges rarely order offenders to pay restitution (Sullivan, 1998). In order to obtain a better understanding of this situation, it appears further research is warranted. Restorative justice programs cannot replace the responsibility of criminal justice authorities to carry out victim policy, as reflected in the Statement of Basic Principles of Justice for Victims of Crime (Federal-Provincial-Territorial Working Group on Victims of Crime, 1988), and to treat victims in the system with dignity and respect.

6.0 Literature List

Aertsen, I., & Peters, T. (1998). Mediation for reparation: The victim's perspective. *European Journal of Crime, Criminal Law and Criminal Justice, 6*(2), 106-124.

Baurmann M., & Schadler, W. (1991). Victims of reported crime - their expectations, needs and perspectives. An inquiry of crime victims concerning victim protection, victim support and mediation. In G. Kaiser, H. Kury, & H.-J Albrecht (Eds.), *Victims and Criminal Justice.* Max Planck Institute for Foreign and International Penal Law, *52*(1), 3-27.

Bazemore, G. (1999). Crime victims, restorative justice and the juvenile court: Exploring victim needs and involvement in the response to youth crime. *International Review of Victimology, 6*, 295-320.

Beckers, M. (2000). *La justice réparatrice et le système correctionnel canadien : Les points de vue des acteurs. Mémoire de maîtrise.* Université de Montréal.

Besserer, S., & Trainor, C. (2000). Criminal victimization in Canada. *Statistics Canada, 20*(10).

Bethel, C., & Singer, L. (1982). Mediation: A new remedy for cases of domestic violence. *Vermont Law Review, 6*(2), 15-32.

Bonta, J., Boyle, J., Motiuk, L., & Sonnichsen, P. (1983). Restitution in correctional half-way houses: Victim satisfaction, attitudes, and recidivism. *Canadian Journal of Criminology, 25*(1), 277-293.

Bonta, J., Wallace-Capretta, S., & Rooney, J. (1998). *Restorative justice: An evaluation of the restorative resolutions project.* Ottawa: Solicitor General Canada, 1998-05.

Chatterjee, J. (1999). *Rapport sur l'évaluation de l'initiative de justice réparatrice de la GRC : Degré de satisfaction des participants aux forums de justice communautaire.* Gendarmerie royale du Canada.

Coates, R.B., & Gehm, J. (1989). An Empirical Assessment. In M. Wright & B. Galaway (Eds.). *Mediation and Criminal Justice: Victims, Offenders and Community.* London : Sage Publications, 251-263.

Cook, T., & Campbell, D. (1979). *Quasi-experimentation design and analysis issues for field settings.* Boston: Houghton Mifflin Company.

Department of Justice Canada. (2000). *Families, children and youth.* [Available online: www.canada.justice.gc.ca/en/dept/pub/cpa/cpa2000-2]

Dignan, J. (1992). Repairing the damage. *British Journal of Criminology, 32*(4), 453-473.

DPJS. (2000). *Tussenevaluatie hestel bemiddeling* (Interim Evaluation of Restorative Mediation). Ministry of Justice, The Netherlands. [Summary available online at: www.minjust.nl]

Federal-Provincial-Territorial Working Group on Victims of Crime. (1988). *Statement of basic principles of justice for victims of crime.* Ottawa: Department of Justice Canada.

Flaten, C. (1996). Victim-offender mediation: Application with serious offenses committed by juveniles. In B. Galaway, & J. Hudson (Eds.), *Restorative Justice: International Perspectives* (pp. 387-401). New York: Criminal Justice Press.

Gehm, J. (1990). Mediated victim-offender restitution agreements: An exploratory analysis of factors related to victim participation. In B. Galaway, & J. Hudson (Eds.), *Criminal Justice, Restitution and Reconciliation* (pp.177-182). New York: Criminal Justice Press.

Government of Canada (1988). *Response to the Fourteenth Report of the Standing Committee on Justice and Human Rights - A Voice not a Veto.*

Griffiths, C. (1999). The victims of crime and restorative justice: The Canadian experience. *International Review of Victimology, 6*, 279-294.

Gustafson, D. (1997). *Victim offender mediation within a restorative justice framework: Toward a justice which heals.* Address to the Prison Governors, Leuven, Belgium.

Hoegen, M., & Brienen, E. (2000). *Victims of crime in 22 European criminal justice systems.* Nijmegen: Wolf Legal Productions.

Immarigeon, R. (1999). Restorative justice, juvenile offenders and crime victims: A review of literature. In G. Bazemore, & L. Walgrave (Eds.), *Restorative juvenile justice: Repairing the harm of youth crime* (pp. 305-325). New York: Criminal Justice Press.

Junger, M., & van Hecke, T. (1988). *Schadevergoeding binnen het strafrecht.* Den Haag, SDU Uitgeverij. Onderzoek en beleid no. 82.

Kilchling, M. (1995). *Offerinteressen und Strafverfolgung.* Max-Plaank-Institut fur Auslandisches und Internationales Strafrecht.

Kilchling, M. (1991). Interests of the victim and public prosecution. In G. Kaiser, H. Kury, & H-J. Albrecht (Eds.), *Victims and criminal justice.* Max Planck Institute for Foreign and International Penal Law, *52*(1), 30-65.

LaPrairie, C. (1995). Altering course: New directions in criminal justice sentencing circles and family group conferences. *The Australian and New Zealand Journal of Criminology, 28*, 78-99.

Latimer, J., Dowden, C., & Muise, D. (2001). *The effectiveness of restorative justice practices: A meta-analysis.* Ottawa: Research and Statistics Division, Department of Justice Canada.

Launey, G. (1987). Victim-offender conciliation. In B. McGurk, D. Thorton, & M. Williams (Eds.), *Applying psychology to imprisonment: Theory and practice* (pp. 274-300). London: Her Majesty's Stationary Office.

Lind, E.A., & Tyler, T. (1988). *The Social Psychology of Procedural Justice.* New York, N.Y.: Plenum Press.

Loschnig-Gspandl, M., & Kilchling, M. (1997). Victim/Offender mediation and victim compensation in Austria and Germany - stocktaking and perspectives for future research. *European Journal of Crime, Criminal Law and Criminal Justice, 1,* 58-78.

Maguire, M. (1991). The needs and rights of victims. In M. Tonry (Ed.), *Crime and justice: A review of the research* (pp. 363-387). Chicago: University of Chicago Press.

Maguire, M., & Corbett, C. (1987). *The effects of crime and the work of victims support schemes.* Aldershot, Eng.: Aldershot, Gower Publishing Company.

Marshall, T. (1999). *Restorative justice: An overview.* London: Home Office Research Development and Statistics Directorate.

Marshall, T., & Merry, S. (1990). *Crime and accountability: Victim/Offender mediation in practice.* London: Her Majesty's Stationary Office.

Mayhew, P., & Van Dijk, J. (1997). *Criminal victimization in eleven industrialized countries.* The Hague: Research and Documentation Centre, Ministry of Justice.

Morris, A., Maxwell, G., & Robertson J. (1993). Giving victims a voice: A New Zealand experiment. *Howard Journal of Criminal Justice, 32*(4), 301-321.

Mulder, R.P. (1989). *Wie hept het slachtoffer? Publieke en particuliere voorzienning voor slachtoffers van misdrijven.* Rijswijk: Sociaal en Cultureel Planbureau, Cahier, no. 70.

Netzig, L., & Trenczek, T. (1996). Restorative justice as participation: Theory, law, experience and research. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 241- 260). New York: Criminal Justice Press.

Reeves, H. (2000). Lecture given at the XVII Postgraduate Course on Victimology. Organized by the World Society of Victimology. Université de Montréal, August.

Reeves, H. (1989). The victim support perspective. In M. Wright, & B. Galaway (Eds.), *Mediation and criminal justice: Victims, offenders and community* (pp. 44-55). London: Sage Publications.

Resick, P. (1987). Psychological effects of victimization: Implications for the criminal justice system. *Crime & Delinquency, 33*(4), 468-478.

Roach K. (1999). *Due process and victims rights.* Toronto: University of Toronto Press.

Roberts, T. (1995). *Evaluation of the victim-offender mediation project, Langley, B.C.* Ottawa: Solicitor General Canada.

Rowe, E. (1985). The limits of the neighborhood justice center: Why domestic violence should not be mediated. *Emory Law Journal, 24,* 855-997.

Sessar, K. (1990). Tertiary victimization: A case of the politically abused crime victims. In B. Galaway, & J. Hudson (Eds.), *Criminal justice, restitution and reconciliation* (pp. 37-45). New York: Criminal Justice Press.

Shapland, J., Wilmore, J., & Duff, P. (1985). *Victims in the criminal justice system.* Aldershot, Eng.: Gower Publishing Company.

Sherman, L., Strang, H., Barnes, G., Braithwaite, J., Inkpen, N., & Teh, M. (1998). *Experiments in restorative policing: A progress report on the Canberra reintegrative shaming experiments (RISE).* Australian National University. [Available online at: www.aic.gov.au/rjustice/rise/progress/1998.html]

Smith, B. (1988). Victims who know their assailants: Their satisfaction with the criminal court's response. In G. Hoteling et al., (Eds.), *Coping with family violence: Research and policy perspectives* (pp. 183-192). California: Sage Publications.

Smith, B. (1983). *Non-stranger violence - the criminal court's response.* Washington, DC: National Institute of Justice.

Smith, D., Blagg, H, & Derricourt, N. (1988). Mediation in the shadow of the law: The South Shore experience. In R. Matthews, *Informal Justice?* (pp. 123-150). London: Sage Publications.

Strang, H. (2000). *Victims and restorative justice: The Canberra reintegrative shaming experiment.* Unpublished doctoral dissertation, Australian National University.

Stuart, B. (1996). Circle sentencing: Turning swords into ploughshares. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 193-201). New York: Criminal Justice Press.

Sullivan, S. (1998). *Équilibrer la balance : L'état des droits des victimes au Canada.* Ottawa : Centre canadien de ressources pour les victimes de crime.

Tufts, J. (2000). Public attitudes toward the criminal justice system. *Statistics Canada, 20*(12).

Tyler, T. (1990). *Why People Obey the Law.* New Haven: Yale University Press.

Umbreit, M. (1998). Restorative justice through victim-offender mediation: A multi-site assessment. *Western Criminology Review, 1*(1). [available online at http://wcr.sonoma.edu/v1n1/umbreit.html]

Umbreit, M. (1994). *Victim Meets Offender: The impact of restorative justice and mediation*. Monsey: Criminal Justice Press.

Umbreit, M. (1995). *Mediation of criminal conflict: An assessment of programs in four Canadian provinces*. [available online at: http://ssw.che.umn.edu/rip]

Umbreit, M. (1990). Victim-offender mediation with violent offenders: Implications for modifications of the VORP model. In C. Viano (Ed.), *The victimology handbook: Research findings, treatment, and public policy* (pp. 337-351). New York: Garland Publishing.

Umbreit, M. (1989). Violent offenders and their victims. In M. Wright, & B. Galaway (Eds.), *Mediation and Criminal Justice: Victims, Offenders and Community* (pp. 99-112). London: Sage Publications.

Umbreit, M., & Bradshaw, W. (1997). Victim experience of mediating adult v.s. juvenile offenders: A cross-national comparison. *Federal Probation Journal, December*, 33-39.

Umbreit M., Bradshaw, W., & Coates, R. (1999). Victims of severe violence meet the offender: Restorative justice through dialogue. *International Review of Victimology, 6*, 321-343.

Umbreit, M., & Roberts, A. (1996). *Mediation of criminal conflict in England: An assessment of services in Coventry and Leeds*. [available online at: http://ssw.che.umn.edu/rip]

Van Dijk, J., & Mayhew, P. (1992). *Criminal victimization in the industrialized world: Key findings of the 1989 and 1992 international crime surveys*. The Hague: Ministry of Justice.

Van Hecke T., & Wemmers, J-A. (1992). Schadebemiddelingsproject Middelburg. WODC, *Onderzoek en Beleid, 116*, Gouda Quint b.v.

Wemmers, J-A. (2000). *Restorative justice: The choice between bilateral decision-making power and third party intervention*. Paper presented at the Xth International Symposium on Victimology. Montreal, August.

Wemmers, J-A. (1997). Review of the First International Symposium on Restorative Justice for Juveniles. *The Victimologist, 1*(1), 5.

Wemmers, J-A. (1996). Restitution and conflict resolution in the Netherlands. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspec-tives* (pp. 431-444). New York: Criminal Justice Press.

Wemmers, J-A. (1996). *Victims in the criminal justice system*. Amsterdam: Kugler Publications.

Wemmers, J., & Van Hecke, T. (1992). *Strafrechtelijke dading* (victim-offender mediation). Wetenschappelijk Onderzoek- en Documentatiecentrum, Ministerie van Justitie, K23.